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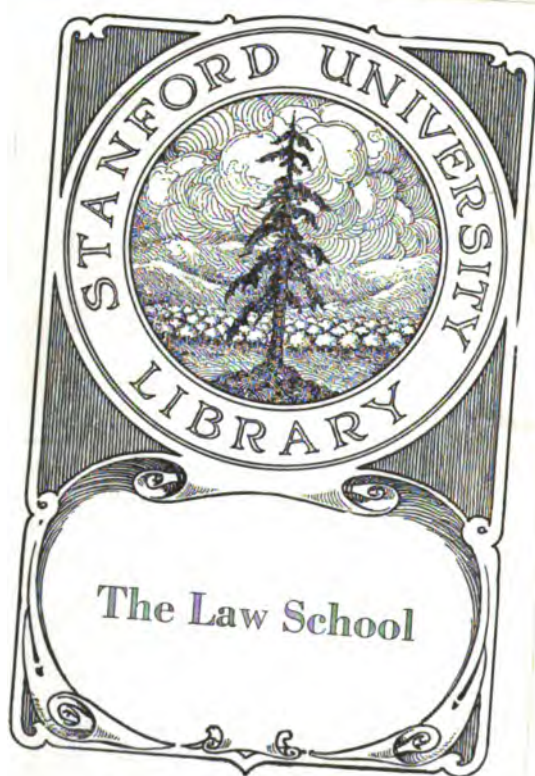
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Heilbronn C. 1.

ACTS

OF

THE GENERAL ASSEMBLY

1

1849

OF THE

COMMONWEALTH OF KENTUCKY:

PASSED AT

DECEMBER SESSION, 1849.

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L A W S O F K E N T U C K Y .

PASSED AT DECEMBER SESSION, 1849.

JOHN J. CRITTENDEN, GOVERNOR; JOHN L. HELM, LIEUT. GOVERNOR
AND SPEAKER OF THE SENATE; THOMAS W. RILEY, SPEAKER OF THE
HOUSE OF REPRESENTATIVES; JOSHUA F. BELL, SECRETARY OF STATE.

GENERAL LAWS.

CHAPTER 10.

AN ACT authorizing a special chancery term in Campbell county.

1850.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the first Judicial District be, and he is hereby authorized to hold a special term for the trial of chancery causes, pending in the Campbell Circuit Court, on the second Monday in January, 1850, at his chambers in the city of Newport; which term shall continue no longer than two weeks; and all process issued and to be issued in all chancery causes therein pending, since the last term of said court, shall be and is hereby made returnable to said special term to be held at Newport, in the same manner as if it had been expressed in said process.

Judge to hold
court at New-
port.

SEC. 2. That the Clerk of said court is hereby authorized and directed to remove the papers belonging to said chancery causes to said city of Newport, and, as soon as convenient after the termination of said special term, to remove them back to the clerk's office in the town of Alexandria: *Provided*, That no expense which may be incurred, in the transportation of the papers or otherwise, shall be paid by the county or State.

Clerk to remove
papers, &c.

THOMAS W. RILEY,
Speaker of the House of Representatives.

JOHN L. HELM,
Lt. Gov. and Speaker of the Senate.

Approved January 12, 1850.

J. J. CRITTENDEN.

By the Governor,

JOSHUA F. BELL, *Secretary of State.*

LAWS OF KENTUCKY.

1850.

CHAPTER 20.

AN ACT to amend the law allowing witnesses mileage in the counties of Morgan and Breathitt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all witnesses living more than ten miles from any place where, by law, they are required to attend and give evidence in the counties of Morgan and Breathitt, shall be paid by the person or persons, at whose suit the summons issued, the same mileage now allowed where witnesses reside out of the county, and which shall be taxed in the bill of costs in the same manner: *Provided,* That the provisions of this act shall apply to no other county or counties in the State.

Approved January 19, 1850.

CHAPTER 32.

AN ACT to change the time of holding the Graves Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the Graves Circuit Court shall sit on the third Mondays in May and November, in each year, and continue twelve juridical days each term, if the business shall require it.

Shall set on
3d Mondays in
May and Nov.
and continue 12
days.

Approved January 24, 1850.

CHAPTER 38.

AN ACT continuing in force the law providing for the appointment of Commonwealth's Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions now in force of an act, entitled, an act to provide for the appointment of Commonwealth's Attorneys, approved January 21, 1842, and the amendatory act thereto, approved January 17, 1844, shall continue and remain in force for two years from and after the end of the present General Assembly.

Act continued
in force for two
years.

Approved January 24, 1850.

CHAPTER 43.

AN ACT for the benefit of the Green County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Green county is hereby vested with full power and authority to make sale of any part, or all, of the lot of ground in the town of Greensburg, known as the Stray Pen lot, upon such terms and conditions as the court may think best, and to order a

LAWS OF KENTUCKY.

3

conveyance thereof to the purchaser; and that the proceeds of said sale be applied by said court to lessening the county levy of said county.

1850.

Approved January 30, 1850.

CHAPTER 51.

AN ACT giving Constables of Campbell County, and the Marshal of the City of Newport, power to execute Warrants of Forcible Entry and Detainer.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in all actions of Forcible Entry or Detainer that may hereafter be brought before any Justice of the Peace of Campbell County, or before the Mayor of the city of Newport, it shall be the duty of such Justice to direct the warrant, and all other process now authorized by law, to issue, in such cases, to the Sheriff or any Constable of said county; and it shall be the duty of the Mayor of said city to direct all such warrants, and other process, to the Marshal of the city of Newport.

SEC. 2. That the Constables of Campbell county, and the Marshal of the city of Newport, shall hereafter have power to execute all warrants, or other process which may be directed to them under the provisions of the first section of this act, that Sheriffs now have in such cases; and the Constable or Marshal, so executing such warrant or other process, shall be allowed the same fees, in such cases, as Constables are now allowed to charge for similar services.

SEC. 3. That, hereafter, in all trials of the right of property taken under execution, attachment, or distress warrant, in the county of Campbell, it shall be the duty of the officer summoning the jury to try such right, to notify some Justice of the Peace, who may be convenient, of the time and place of such trial. It shall be the duty of the Justice thus notified to attend and preside at such trial; swear the jury and witnesses; decide incidental points of law which may arise and be referred to him by either party; preserve order; enforce the rules of decorum, and punish, according to law, all contempts of his authority; and the Justice so presiding shall be entitled to receive a fee of fifty cents for his services.

SEC. 4. That all laws, so far as they relate to the county of Campbell, contrary to the provisions of this act, be and are hereby repealed.

Approved January 30, 1850.

CHAPTER 85.

AN ACT giving further time to register headright surveys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the time for receiving and registering

1850. headright plats and certificates of survey, be and the same is hereby extended until the first day of January, 1855.

Approved February 2, 1850.

CHAPTER 119.

AN ACT giving an additional term to the Mercer Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That another term of the Mercer Circuit Court, for the trial of criminal, penal, common law, and chancery causes, shall hereafter be held on the first Monday in each July, and continue twelve juridical days, should the business require it; and it shall be the duty of the Judge of the said Court, to hold the said term under the same penalties and regulations as is now required by the general laws of the State, requiring the holding of Circuit Courts.

Approved February 9, 1850.

CHAPTER 121.

AN ACT to provide for a special term of the Crittenden Circuit Court.

WHEREAS, it is represented that the Clerk of the Crittenden Circuit Court departed this life in the month of December last, and that the office of Clerk of said Court is now vacant. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Judge of the Crittenden Circuit Court to hold a special term of said Court, on or before the first Monday in March next, for the purpose of appointing a Clerk for said Court.

Approved February 9, 1850.

CHAPTER 125.

AN ACT to change the time of holding the Fleming Circuit Court.

Terms to commence on first Mondays April, July & October.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the terms of the Fleming Circuit Court shall, hereafter, be held on the first Mondays of April, July, and October, in each year, instead of the second Mondays, and continue twelve juridical days at each term, if the business shall require it.

Process issued for April term to be valid under this act.

SEC. 2. That all process which has issued, or may issue, from the Clerk's office of said Court, returnable to any day of the ensuing April term, as heretofore fixed by law, shall be good and valid upon any of the corresponding days of said term as fixed by this act, and shall be taken and considered as returnable to the term provided for in this act.

Approved February 9, 1850.

LAWS OF KENTUCKY.

5

CHAPTER 127.

1850.

AN ACT to confer certain powers on the Judge of the Garrard Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Garrard Circuit Court be and he is authorized to have any judgments which were rendered at the last November term of said Court, and not entered on the order book, entered of record at the February special term for the year 1850 of said Court; and when so entered they shall be as binding as if entered at the regular term aforesaid: *Provided,* That it appears satisfactorily to said Judge, from the entries made upon the minute book, that such judgments were actually rendered at the November term aforesaid.

Judgments not entered at Nov. term 1849 may be entered February term 1850.

Proviso.

Approved February 9, 1850.

CHAPTER 129.

AN ACT for the benefit of certain School Districts.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners and Trustees of Common Schools shall be allowed to draw from the Public Treasury, on all reports from their School Districts for the year 1849, which shall have come to the hands of the Superintendent of Public Instruction by the 1st day of February, 1850, the same sums of money that they could have drawn had such reports been returned in the time required by law.

Further time allowed Com'rs & trustees common schools to report for year 1849.

Sec. 2. That the Commissioners and Trustees for all Common School Districts in which district schools were, for the first time, organized according to law in the year 1849, and in which said schools were taught according to law for three months before the end of said year, be and they are hereby allowed till the first day of May, 1850, to return their reports; and if said reports shall, in other respects, comply with the requisitions of the law, they shall entitle the districts from which they are made to the same sums of money they would have done had they been returned in the time now required by law: *Provided,* That the School Districts which shall receive the benefit of this act, shall not be entitled to draw any moneys from the school fund for the current year, unless the schools in them shall have been taught three months in said year, exclusive of the time they were taught after the 10th day of November last, which was necessary to make up the three months for last year.

Com'rs & trustees of schools organized and taught 3 months in 1849 may draw and how.

Sec. 3. That the Commissioners and Trustees for all Common School Districts in which district schools were taught according to law prior to the year 1850, and not reported and the money drawn therefor, be and they are hereby au-

Schools taught prior to 1850 not reported may report and draw.

1850. thorized to report any time within the year 1850, and draw the money thereon as though they had reported in the time required by law.

Approved February 12, 1850.

CHAPTER 154.

AN ACT to amend the act, entitled, an act to establish the Southern Bank of Kentucky.

Repealing
clause.

Principal office
to be in Russell-
ville.

Principal office
may be located
at Glasgow or
Smithland, if
Russellville has
branch of Far-
mer's Bank.

Branches how
and where to be
located.

No branch to
be in a county
where there is a
Bank.

Charter exten-
ded to May 1860.

Bank shall not
receive interest
on State scrip.

If scrip is sold
bank to pay in-
terest, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the act, entitled, "an act to establish the Southern Bank of Kentucky," as limits the number of shares, and the votes to be given thereon, that any individual, company or corporation, may hold in said Bank, be and the same is hereby repealed; and said Bank shall have and keep its principal office of discount and deposit in the town of Russellville: *Provided*, That if a Branch of the Farmers' Bank shall be authorized to be located at Russellville, and that if one hundred and fifty thousand dollars be subscribed by the citizens of Logan county, on or before the first day of May next, for the purpose of establishing at Russellville a Branch of said Farmers' Bank, that then, and in that case, the President and Directors of the Southern Bank of Kentucky shall locate, have, and keep, its principal office of discount and deposit either in the town of Glasgow or in the town of Smithland, and that neither the principal Bank nor either of said Branches shall be located in the town of Princeton, or in the third District of counties, as designated in the 47th section of said recited act; and that the counties of Hopkins and Muhlenburg be added to the fifth District of counties, as designated in said section; and that said 47th section be further amended, by adding thereto the following words, "and a Branch in a District composed of the counties of Greenup, Lewis, Carter, Lawrence, Morgan, Johnson, Floyd, Breathitt, and Pike."

SEC. 2. That no Branch of said Bank shall be located in any county where there is a Branch of the Bank of Kentucky, or of the Bank of Louisville, established; and that the whole of the 48th section of said act be repealed; and that this act, and the act to which this is an amendment, shall continue in full force and effect until the 1st day of May, 1860: *Provided*, That under no circumstances shall the Bank have a right to demand or receive of the State any portion of the interest accruing upon the bond or scrip of the State, so long as said Bank may hold the same; and in the event of the sale of such bond or bonds, the Bank shall, out of the proceeds of said Bank, pay the interest on the bonds sold, without charge for transmission or exchange; and the said Bank shall, for that purpose, set apart a con-

tingent fund; and should said Bank fail, at any time, to pay such interest, and demand shall be made upon the State for the interest due on said bonds, it shall be the duty of the Governor, for the time being, to cause the Attorney General to sue out a *scire facias* in the General Court, to be served on the President of the principal Bank, or, in his absence, a majority of the Directors; and if the interest on said bonds, up to the time of trial, be not paid, the charter of said Bank shall be decreed forfeited; whereupon, the said Attorney General shall take further proceedings, by attachment, or otherwise levy upon assets of said Southern Bank, upon which a lien is hereby created, to indemnify the State against loss in the payment of the principal of the bonds sold.

1850.

Approved February 15, 1850.

CHAPTER 155.

AN ACT to incorporate the Farmers' Bank of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be, and is hereby established, a Bank, by the name of "The Farmers' Bank of Kentucky," with a capital of two millions and three hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style of "The Farmers' Bank of Kentucky," and shall so continue a body politic and corporate until the first day of May, 1880; and by that name, under the restrictions hereinafter named, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts or places, in all matters whatsoever, as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate, goods, effects, and chattles, as shall be convenient for the transaction of its business, or which may be conveyed to said Bank, as surety for any debt, or purchased in satisfaction of any judgment or decree in favor of the Bank, or in the purchase of any property or which said Bank may have a lien; and said Bank may have and use a common seal, change, alter, and renew the same at pleasure; and it may ordain and put in execution such by-laws, rules and regulations, for the good government of said Bank, and the prudent and efficient management of its affairs, as may be thought most proper: *Provided*, That they be not contrary to the Constitution and laws of this State or the United States.

Bank incorporated, and capital stock.

Duration of charter.

Corporate powers.

1850. thorized to report any time within the year 1850, and draw the money thereon as though they had reported in the time required by law.

Approved February 12, 1850.

CHAPTER 154.

AN ACT to amend the act, entitled, an act to establish the Southern Bank of Kentucky.

Repealing clause.

Principal office to be in Russellville.

Principal office may be located at Glasgow or Smithland, if Russellville has branch of Farmer's Bank.

Branches how and where to be located.

No branch to be in a county where there is a Bank.

Charter extended to May 1880.

Bank shall not receive interest on State scrip.

If scrip is sold bank to pay interest, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the act, entitled, "an act to establish the Southern Bank of Kentucky," as limits the number of shares, and the votes to be given thereon, that any individual, company or corporation, may hold in said Bank, be and the same is hereby repealed; and said Bank shall have and keep its principal office of discount and deposit in the town of Russellville: *Provided*, That if a Branch of the Farmers' Bank shall be authorized to be located at Russellville, and that if one hundred and fifty thousand dollars be subscribed by the citizens of Logan county, on or before the first day of May next, for the purpose of establishing at Russellville a Branch of said Farmers' Bank, that then, and in that case, the President and Directors of the Southern Bank of Kentucky shall locate, have, and keep, its principal office of discount and deposit either in the town of Glasgow or in the town of Smithland, and that neither the principal Bank nor either of said Branches shall be located in the town of Princeton, or in the third District of counties, as designated in the 47th section of said recited act; and that the counties of Hopkins and Muhlenburg be added to the fifth District of counties, as designated in said section; and that said 47th section be further amended, by adding thereto the following words, "and a Branch in a District composed of the counties of Greenup, Lewis, Carter, Lawrence, Morgan, Johnson, Floyd, Breathitt, and Pike."

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tingent fund; and should said Bank fail, at any time, to pay such interest, and demand shall be made upon the State for the interest due on said bonds, it shall be the duty of the Governor, for the time being, to cause the Attorney General to sue out a *scire facias* in the General Court, to be served on the President of the principal Bank, or, in his absence, a majority of the Directors; and if the interest on said bonds, up to the time of trial, be not paid, the charter of said Bank shall be decreed forfeited; whereupon, the said Attorney General shall take further proceedings, by attachment, or otherwise levy upon assets of said Southern Bank, upon which a lien is hereby created, to indemnify the State against loss in the payment of the principal of the bonds sold.

1850.

Approved February 15, 1850.

CHAPTER 155.

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Bank incorporated, and capital stock.

Duration of charter.

Corporate powers.

1850.

Location of
principal Bank
and branches.

Their business.

Notes discount-
ed on footing of
bills exchange.

In what they
may deal.

Notes how to
be signed.

Debts not to
exceed double
capital paid in.
In case of ex-
cess directors li-
able.

Absent or dis-
senting directors
absolved.

Sec. 2. The said Bank shall have and keep its principal office of discount and deposit in the city of Frankfort; and it shall have seven offices of discount and deposit in other parts of the State, to-wit: at Covington, Princeton, Henderson, Bardstown, Maysville, Mountsterling and Somerset. The business shall be, to loan money, discount promissory notes and bills, and deal in exchange; and it may issue bills and bank notes, payable to bearer, on demand, at any of its offices of discount and deposit, but not of less denomination than one dollar; and it shall not issue any notes, bills, checks, or orders, payable to bearer, other than such as are made payable on demand. The promissory notes made payable to any person or persons, and payable and negotiable at the principal office of discount and deposit, or any of the branches or any other Bank, and endorsed to and discounted by said Bank, shall be and they are hereby put on the same footing as foreign bills of exchange, and remedy may be had, jointly or severally, against the drawers and endorsers, and with like effect, except as to damages, and except that, in a regular course of administration, they shall have no other or greater dignity or priority of payment than other notes; and the said Bank shall not, directly or indirectly, deal or trade in any thing except loaning money and exchange, and in gold or silver coin and bullion, or in the sale of goods, chattles, rights and credits, really and truly pledged for money lent, and not redeemed in time, or goods which shall be the proceeds of its lands.

SEC. 3. The bank notes to be issued by said Bank shall be signed by the President of the principal Bank, and countersigned by the Cashier thereof; and said Bank shall be restrained from issuing checks or orders, payable at any of its offices, or elsewhere, to any person or order, or to any person or bearer, with the intent that the said checks or orders shall circulate as bank notes.

SEC. 4. Said Bank shall not, at any time, owe, whether by bond, bill, note, or other contract, an amount exceeding twice the amount of the capital stock actually paid in, exclusive of sums due on deposits; and in cases of excess, the President and Directors, under whose administration it shall have taken place, shall be liable for any or all of the debts of said Bank, in their individual capacities, by a joint or several actions of debt against them, or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of said Bank, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, That if the President or any of the Directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he

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or they shall not be liable, under this section, if he or they shall, within ten days from the creation of such excess, or discovery thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer, of the city or county; and shall, moreover, within ten days, give notice thereof in one of the public newspapers printed in this State, and transmit a copy thereof to the Governor of this State, for the time being, and shall, in said notice, call a meeting of the shareholders, which they are hereby authorized to do.

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SEC. 5. Said Bank shall not, at any time, suspend, fail or refuse payment, in gold or silver, of any of its notes, bills, or other obligations, due and payable, or any moneys on deposit; and in such case, the officers in the usual banking house at the office of discount and deposit where the same shall be payable, shall refuse or unreasonably delay payment, in gold or silver, of the amount of any note there demandable, and presented for payment, or the payment of any money previously deposited at such office, and then due and demandable by any person or persons entitled to receive payment of the same, said Bank shall be liable to pay damages at the rate of six per cent. per annum on the amount thereof, from the time of such failure, refusal or delay, until payment thereof; and for such failure or refusal, or for any violation of this charter, the same may be forfeited; and a *scire facias* may be sued out in the name of the Commonwealth, by the Attorney General, by order of the Governor, for the time being; and such proceedings may be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said Bank from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor from making any contracts that may be convenient and proper for that purpose.

Charter forfeited if they fail to redeem their notes in specie.

Sci. fa. may be sued out.

SEC. 6. The real and personal estate, business, property, funds, and prudential concerns of said Bank, and the administration of its affairs, shall be under the direction, management and control of seven Directors, chosen as hereinafter directed. They shall be stockholders, and, after the first election, shall have been stockholders at least three months previous to their election; they shall be residents of this State, and citizens of the United States; and, after the first election, they shall be elected annually on the first Monday in May. Each Director shall be a stockholder in his own right; they shall hold their offices for one year, and until their successors shall be chosen. The Directors shall be chosen by the shareholders, who shall meet at the annual elections in the city of Frankfort, at such time and place as the Directors, for the time being,

The Directors, when to be chosen, and their qualifications.

1850.

Election, how
conducted:

shall direct; and notice of the time and place of holding the annual elections shall be published in at least two authorized newspapers thirty days next preceding the election. The election shall be by plurality of votes, to be counted and read in public after all the votes are taken; the election shall be conducted under the direction of three shareholders, acting under oath, and previously chosen by the Directory, and not of their own body. No person, who is a Director or officer of another Bank, shall be eligible as a Director of this Bank; and any Director, becoming a Director or officer in another Bank, or while under protest in this Bank for the non-payment of debts, shall be held to have vacated the office of Director of this Bank; nor shall two partners in trade be eligible as Directors in this Bank, at one and the same time; and if the President, Cashier, or any Director, shall fail or become insolvent after his election or appointment, he shall become incapable to serve as an officer in this Bank, and shall be held to have vacated his office or place, nor shall he be appointed to serve in this Bank until his debts are paid, until he obtains a full discharge from the same. If, from any cause, an election shall not take place on the day fixed by this charter, the corporation, for that cause, shall not be dissolved, but the stockholders may hold an election on any other day the by-laws shall direct.

A protest to
disqualify an of-
ficer.

Number of votes
on stock.

SEC. 7. At all meetings of the stockholders, and at all elections under this charter, each and every shareholder, whether individuals, companies, or corporations, shall be entitled to one vote for each share held in their own right, up to fifty shares; and for every five shares over fifty, up to one hundred, one vote, and for every twenty shares over one hundred, one vote. After the first election, no share shall entitle the holder to a vote, unless the same has been held by the person claiming to vote on the same at least three months prior to that time, and so appear on the books of the Bank. Any stockholder entitled to vote, may do so in person or by proxy, such proxy being granted to a stockholder who is not the President or a Director, the Clerk, Cashier, or Teller of the Bank; and any stockholder who is not a citizen or resident of the United States, shall not be entitled to vote on his stock.

May be voted
on by proxy.

Directors to
elect President.

SEC. 8. The Directors chosen for the principal Bank, under the provisions of this charter, shall, as soon as may be, after the first and every annual election or other election of Directors, elect a President from their own body, who shall preside at the Board until the next election; and in case of the death, absence, or resignation, or vacation of the office of President, the residue of the Directors shall choose a President *pro tempore*; they shall fill all vacancies which may occur in their own body during the time for which they were chosen, and appoint a Cashier, Clerks, Agents

And other
officers.

or Servants of the principal Bank, fix their compensation, define their powers, and prescribe their duties; and shall require of them such bonds, and in such penalties, as they may deem right; which bonds shall be laid monthly before the Directory, and entry made thereof on record; and the Directory may, from time to time, require such additional bonds and sureties, with such penalties and conditions, as, in their opinion, will secure the Bank from loss or damage; and all such officers shall hold their places during the pleasure of the President and Directors.

1850.

SEC. 9. The President and Directors of the principal Bank (any four of whom shall form a quorum for the transaction of business) may, from time to time, make such by-laws, rules and regulations, for their own government, and for the management and disposition of the property, estate, funds and business of the Bank, and all matters appertaining thereto, which they may deem expedient, not contrary to the provisions of this charter, or the by-laws, rules and regulations, which the stockholders, at their annual or other meetings, may, from time to time, prescribe: *Provided, however*, that a concurrence of a majority of all the Directors shall be necessary in the adoption of any of the by-laws of the institution.

May make by-laws, &c.

SEC. 10. The President and Directors shall hold stated meetings at least once a week, on such days and at such hour of the day as they may, from time to time, appoint, and at such other times as they may agree on; and they shall attend called meetings at any time the President shall direct; and all questions before the Board shall be decided *viva voce*; and, on the request of any two members, the yeas and nays on any proposition submitted, shall be entered or recorded on the journal of their proceedings; and no vote shall be re-considered when a less number are present than when the vote was given.

Stated meetings of directors

SEC. 11. The President and Directors of the principal Bank shall establish seven Branches, viz: one at Covington, in the county of Kenton; one at Maysville, in the county of Mason; one at Princeton, in the county of Caldwell; one at Henderson, in the county of Henderson; one at Mountsterling, in the county of Montgomery; one at Bardstown, in the county of Nelson; and one at Somerset, in the county of Pulaski. The amount of capital which shall be employed at the principal Bank shall be three hundred thousand dollars; at Covington, six hundred thousand dollars; at Maysville, four hundred thousand dollars; at Princeton, three hundred thousand dollars; at Henderson, two hundred and fifty thousand dollars; at Mountsterling, two hundred thousand dollars; at Bardstown, one hundred and fifty thousand dollars; and at Somerset, one hundred thousand dollars: *Provided*, that when the Bank goes into operation, if with less than the whole stock taken,

Location of Branches.

Capital of bank and branches fixed.

1850.

Stock subscribed at other places to be rateably distributed.

or whole amount paid in, the capital stock, at any one of the points where such principal Bank or Branch may be located, shall be applied to said Bank or Branch at such point: *And provided further*, that stock taken at other points shall be rateably divided among them, until the amount allowed herein to either be supplied; and if either one or more be supplied, then the stock subscribed elsewhere to be rateably divided until all are supplied; and no Branch shall be put into operation unless the stock taken at the point, or assigned to them, shall be equal to their proportionable amount of the stock necessary to be subscribed, and the amount of money paid in, necessary to put said Bank into operation.

President and Directors of branches, how appointed.
Principal b'k to prescribe rules for branches.

SEC. 12. There shall be seven Directors for each of the Branches, to be chosen at the same time and manner of the Directors of the principal Bank, and to possess the same qualifications, one of whom shall be appointed President by the Directors of principal Bank. The Directors of the principal Bank shall prescribe such rules and regulations for the government of the Branches, as they may deem right, and shall have power to enforce the same. The President and Directors of the principal Bank shall have power to fill any vacancy in the Directory of the Branches.

Cashier & Cl'k how appointed.

SEC. 13. The Directors of the principal Bank shall appoint a Cashier of the principal Bank, and a Cashier for each of the Branches. The President and Directors of each of the Branches shall appoint a Clerk, and such other officers as the President and Directors of the principal Bank shall direct. Not less than a majority of the Directors of the Branches, including the President, shall form a quorum for the transaction of business.

Contingent fund.

Dividend when to be declared.

Capital or contingent fund not to be lessened.

SEC. 14. No dividend of the profits of said Bank shall be declared until there shall be a surplus of ten thousand dollars for each million of dollars of the capital stock actually paid in; and the surplus, or contingent fund, so raised, shall never be reduced below that ratio on all stock paid for; and it shall be the duty of the President and Directors of the principal Bank, on the first Monday in January and July of each year, to declare a dividend of the profits over and above the contingent fund aforesaid, among the stockholders, payable to them on demand; of which dividend, and the time and place of payment, notice shall be given. And if, at any time, said President and Directors shall declare a dividend lessening the capital stock, or lessening the contingent fund aforesaid, or, by any mismanagement or neglect of duty, shall cause any loss or deficiency of or in the capital stock of said Bank, the Directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly and severally liable to the stockholders, or any creditor of said Bank, who may be injured thereby; and the President and each Director shall be deemed guilty

of such mismanagement or neglect, or to have consented to such dividend, unless he forthwith give notice of his dissent thereto, or his absence from the institution, in like manner as provided in the fourth section of this charter, and call a meeting of the stockholders, as herein provided.

Sec. 15. It shall be the duty of the Cashier of the principal Bank, on the first day of July, 1851, and on the first day of July in each succeeding year, during the continuance of this charter, to pay to the Treasury of this Commonwealth, fifty cents on each hundred dollars of stock held and paid for in said Bank, which shall be in full of all tax or bonus: *Provided*, that no tax shall be paid until said Bank goes into operation: *And, provided further*, that the tax or bonus hereby proposed to be imposed on each share of stock in this Bank, or such as shall hereafter be imposed on each share, is hereby set apart and forever dedicated to the cause of education on the common school system; and whenever the same, or any part thereof, shall be diverted otherwise, by Legislative enactment, said Bank shall then be exonerated from the payment of any tax or bonus whatever.

Sec. 16. The Board of Directors of the principal Bank shall allow to the President thereof, and to the Presidents of the Branches, such reasonable compensation for their services as they may, from time to time, deem just; but no compensation shall be allowed to any Director of the principal Bank, or any of the Branches, unless the same be voted by the stockholders at some regular meeting.

Sec. 17. It shall be the duty of the President and Directors of the principal Bank, and they are hereby required, as often as once in three months, to cause a strict examination to be made of the accounts of the Cashier, and a full and complete statement to be made and entered on the journal of the proceedings of the Board; and they shall cause the President and Directors of the several Branches to make a like examination and statement of the accounts of the Cashiers once every three months, to be made and entered on the journals of their proceedings.

Sec. 18. That it shall not be lawful for the Cashier, Clerk, Teller, or other subordinate officer of the principal Bank, or any of the Branches, either directly or indirectly, to engage in, or carry on, any other business than that of said Bank, without the special license of the President and Directors of the principal Bank; nor shall any of them, either directly or indirectly, become indebted to said Bank, either as borrower, endorser, surety, or otherwise.

Sec. 19. If the Cashier, Clerk, Teller, Agent, or other officer of the principal Bank, or any of the Branches, shall, without the authority of the President and Directors of the Bank or Branch, as the case may be, appropriate any of the funds of said corporation to his own use, or to that of any other person, or shall wilfully fail to make correct

1850.

Tax or bonus
on the stock.

To be set apart
for education.

The President's
compensation.

Cashier's ac-
counts to be ex-
amined quarter-
ly.

Cashier, &c.,
not to engage in
other business or
become indebted
to the Bank.

Punishment of
officers defraud-
ing the Bank.

1850.

entries, or shall knowingly make false entries on the books of the Bank, with intent to cheat or defraud the corporation or any person, to hide or conceal any improper appropriation of the funds of the corporation, the officer, so offending, shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State for a period of not less than five nor more than twenty years.

Bank & branches to keep a record of proceedings.

SEC. 20. The President and Directors of the principal Bank shall keep a record or journal of all their proceedings, which they shall produce to the stockholders, when by them demanded, at any regular meeting; and they shall be open to inspection to any committee appointed by the Legislature; and the President and Directors of the principal Bank shall cause the President and Directors of the Branches to keep a record or journal of all their proceedings, which they shall produce to the President and Directors of the principal Bank at all times, or to any person or persons authorized by them to inspect the same; and which shall be open to the inspection of the stockholders at any general meeting, or to a committee appointed by the Legislature.

Annual reports to be made to the Secretary of State and legislature.

SEC. 21. It shall be the duty of the President and Directors of the principal Bank, during the first week of the session of the Legislature, in each year, to transmit to the Secretary of State, an accurate and just statement of the condition of the principal Bank and Branches, as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid in, and the amount not paid in, and the value of the real estate belonging to the Bank, and its cost, the total amount of the debts due to and from the Bank, the amount of gold and silver and other coined metal and bullion on hand, the amount deposited, the amount of bills in circulation, and the amount of bills on hand of other incorporated Banks, and the amount of notes in circulation of each denomination issued by the Bank; the rate and amount of each dividend of profits made by the Bank, with the amount of the surplus profits or the contingent fund; which statement the Governor of the Commonwealth shall cause to be laid before the Legislature of Kentucky; and they shall, when required by the Legislature, report all bad and doubtful debts.

Officers all to take an oath of office.

SEC. 22. The President, Cashiers, Directors, Clerks, Tellers, and other officers of the principal Bank and Branches, previous to entering on the discharge of their duties, shall take an oath before some Justice of the Peace of this State, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations, under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation.

Sec. 23. Said Bank shall not contract for, or receive a greater rate of interest than at the rate of six per cent. per annum for the loan or forbearance of money, and interest on promissory notes, negotiable and payable at said Bank; and their discount shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance, and on banking principles in conformity with Rowlett's Tables of Discount and Interest.

1850.
Rate of interest to be received.

Sec. 24. That the President and Directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock of said Bank shall be considered and held, in law, as personal property, and assignable and transferrable only in such manner, and at such place or places as the President and Directors of the principal Bank shall, by their by laws, prescribe.

Certificates of stock transferable.

Sec. 25. The certificates of deposit, bank bills or notes, bills of exchange, post notes, or orders, issued by said Bank, shall be signed by the President and countersigned by the Cashier, promising or requesting the payment of money to any person or persons, and to order or bearer, as the case may be, shall be obligatory on said Bank, although not under its seal; and such of said notes or bills as shall be payable to order, shall be transferrable by assignment, and those made payable to bearer, by delivery.

Notes binding though not under seal, & how transferred.

Sec. 26. That the general meeting of the stockholders shall be held annually, on the first Monday in May, in each year, in the city of Frankfort, at the time of the annual elections; to which meetings the President and Directors of the principal Bank shall present an accurate statement of the condition and affairs of the Bank; and general meetings of the stockholders may be called, as provided in the charter, or by the President and Directors of the principal Bank, when they esteem it desirable, or by any number of stockholders the by-laws of the corporation shall require.

General meeting stockholders

Sec. 27. The Legislature shall have the right to investigate the situation and affairs of said Bank, by any committee they may appoint for that purpose, from time to time.

Legislature may investigate its affairs.

Sec. 28. The General Court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same. The proceedings shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on; and shall only be sued out at the instance of the Attorney General, when directed to do so by order of the Legislature, or the Governor, for the time being.

Forfeiture of charter, how tried.

Sec. 29. That James Harlan, Jno. H. Hanna, Jacob Swigert, William Tanner, John W. Russell, Philip Swigert, A. C. Keenon, A. G. Hodges, John C. Herndon, Harry I. Todd, and Stuart Robinson, at Frankfort; John S. Morgan, John W. Stevenson, Septimus T. Wall, B. W. Foley, C. B. San-

Commissioners to open books for subscription of stock.

1850.

ford, Charles A. Withers, John K. McNickle, A. L. Greer, and M. M. Benton, at Covington; John P. Dobyns, Thomas Mannen, Richard Collins, John B. McIlvaine, and Robert T. Blanchard, at Maysville; F. W. Ury, T. J. Flournoy, George W. Barbour, Livingston Lindsey, W. Wadlington, R. L. Cobb, Daniel Hilman, John Kelly, and Charles Stackler, at Princeton; George Atkinson, David Banks, Archibald Dixon, Owen Glass, Thomas Towles, Sen., L. W. Powell, E. H. Hopkins, and Wyatt H. Ingram, at Henderson; Richard Apperson, Thomas C. Barnes, Samuel D. Everett, Thomas Johnson, William Hoffman, and Belvard J. Peters, at Mountsterling; Charles Nourse, E. B. Smith, Joseph Brown, D. S. Howell, C. P. Mattingly, J. Wood Wilson, and Wm. Johnson, at Bardstown; Eli H. Wood, Milton P. Wheat, John B. Curd, John G. Lair, George P. Brown, E. King, James Terrill, John S. Murphy, G. W. Adams, Thos. W. Alexander, Micajah Phillips, Andrew J. James, Sam. Long and Joel Sweeney, at Somerset, are hereby constituted and appointed Commissioners to open books and receive subscriptions for the stock of said Bank, at their respective places; and any three of the Commissioners at Frankfort shall superintend the election of the first Board of Directors.

Powers and
duties of Com-
missioners.

How long books
to be kept open.

SEC. 30. The said Commissioners shall have power, and they are authorized and required, at such time as they may deem expedient, after giving at least thirty days' notice thereof in some of the newspapers printed in this State, to open books for the subscription of capital stock of said Bank, at Frankfort, Covington, Maysville, Princeton, Henderson, Mountsterling, Bardstown, and Somerset, and such other places as the Commissioners at Frankfort may deem advisable, and cause books to be kept open until at least five thousand shares shall have been subscribed, when the same may be closed; or the Commissioners at Frankfort may order them closed sooner, if deemed advisable, and re-opened whenever they may be required by the Commissioners of one or more of the Branches, or they think fit; and if more than twenty three thousand shares should be subscribed by individuals, companies and corporations, the Commissioners shall deduct the excess from the largest subscriptions, in such manner that no subscription shall be reduced and leave any other subscription larger. The Commissioners at Frankfort may appoint Commissioners in any city in the United States to receive subscriptions of stock.

Books to be
re-opened till
the stock is all
taken.

SEC. 31. The Commissioners, or President and Directors of the Mother Bank, shall cause the books for the subscription of stock to be re-opened whenever and wherever they may be requested so to do by the Commissioners or a majority of them, at the place or places where Branches or any one or more of them are to be established, as afore-

said, or by the President and Directors of any one or more of the Branches which may have been organized with less than the whole amount of capital stock hereinbefore allotted to them; and the said books shall be kept open, or if closed, shall, from time to time, be re-opened upon request, as aforesaid, until the whole amount of the capital stock of said Bank shall be taken.

1850.

Sec. 32. If the whole twenty three thousand shares of capital stock shall not be taken when the books of subscription shall first be opened by the Commissioners, the President and Directors may cause the books to be opened, from time to time, and at such times as they may direct, and cause them to be kept open, if they choose, until the whole balance shall be taken; and the President and Directors may require such premium on the stock sold, at the re-opening of books, as they shall deem right; and such premium shall be the property of the Bank.

A premium on stock may be required when books are re-opened.

Sec. 33. When not less than five thousand shares of the capital stock shall have been taken, and the Commissioners shall have closed the books, it shall be their duty to give notice in some public newspaper printed in this State, and appoint a day and place in the city of Frankfort for the election of the first Board of Directors for said Bank, who shall hold their offices until the next succeeding annual election; and not less than thirty nor more than sixty days' notice shall be given of the time and place of electing the said Board of Directors; and some three of the Commissioners shall act as inspectors of the election, and shall take the proper oaths, and perform all the duties of inspectors of elections in like cases.

When the bank to go into operation.

First election, when held.

Sec. 34. The payment of the shares of the capital stock, held by individuals, companies and corporations, shall be in gold and silver, and at the times and in the manner following, to-wit: five dollars on each share, to the Commissioners, at the time of subscribing; and five dollars on each share within ten days after the election of the first Board of Directors; and twenty dollars on each share within sixty days thereafter; and the residue shall be paid in such instalments as the President and Directors of the principal Bank shall require: *Provided*, That no more than twenty dollars shall be called at any one time on each share, nor shall the time between the calls be less than ninety days.

Stock when to be paid.

Sec. 35. Should any of the subscribers to the capital stock of said Bank fail or refuse to pay for their stock, as herein provided, the President and Directors, first giving public notice in at least two public authorized newspapers printed in this State, for the space of thirty days, by a resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to resell the same; and all partial payments made on any

Stock may be forfeited for non-payment installments.

1850. stock which shall be forfeited, shall be held for the benefit of the Bank.

When to commence business.

SEC. 36. So soon as one hundred and fifty thousand dollars of capital shall have been paid in by individuals, corporations and companies, in gold or silver, the President and Directors shall cause the Governor of this Commonwealth to be notified thereof, who is hereby authorized to appoint some suitable person to count the money, so paid in as capital stock, and to take the oath of the President, and not less than three of the Directors, that the same has been paid in as stock, *bona fide*, and make due return thereof to him; and on such appearing to be the fact, the Governor is authorized to issue his proclamation, that the amount hereby required to be paid in, and in the funds required, has been done, and the said Bank is authorized to commence operations as a banking institution; and from and after the first proclamation, it shall be lawful for said Bank to commence business.

No stock to be voted on unless by bona fide owners thereof.

SEC. 37. If any stockholder or stockholders in said Bank, who shall not be a resident or residents of the United States, shall vote, or authorize any person to vote, at the election of Directors for said Bank, upon the stock held by such person or persons, not a resident or residents of the United States, or which may be held by others for his or their use and benefit, that such stock, so held and may have been voted upon, or authorized to be voted upon, at any of the elections for Directors of said Bank, shall be forfeited by such stockholder or stockholders, to and for the use of said Bank.

Notes receivable in payment taxes and county levies.

SEC. 38. The bills or notes of said corporation, originally made payable to bearer, shall be receivable in all payments to the State, and on account of county levies, so long as it shall redeem its notes in gold or silver, on demand, unless otherwise directed by law.

Directors to be stockholders.

SEC. 39. No person shall be eligible to the office of Director in the principal Bank, or any Branch, who is not the owner of stock in his own right at the time of his election or appointment.

President or Directors not to become bound as surety on accommodation paper.

SEC. 40. It shall not be lawful for the President or any of the Directors of the principal Bank or Branches to become bound as security or accommodation endorser on any note or bill discounted in said Bank; and a violation of any of the provisions of this section shall subject the person, violating the same, to a penalty of five thousand dollars, to be recovered by action of debt in the name of the corporation, and for their use and benefit.

No loans to be made on pledge of stock.

SEC. 41. Said Bank shall not make any loan of money, or discount any note or bill, on the pledge of the stock of said Bank whatever; and no stockholder shall be allowed to pay any debt he may owe the Bank, by the surrender of the stock of the Bank, until all the notes of the Bank shall

have been redeemed and all the debts of the Bank paid; and stockholders who shall become indebted to the Bank, shall be compelled to pay their debts, in all respects, as other persons dealing with the Bank; nor shall any stockholder be allowed to make payment of the shares of stock held by him, by means of a loan or loans obtained from said Bank.

1850.

SEC. 42. The President and Directors of the principal Bank shall cause their Cashier to make semi-annual reports, on the first day of January and July, in alphabetical order, of all the debts due said Bank, setting out the amount due by each individual, with the names of the endorsers or securities, and a note of the other securities, the date of the notes or bills, and when payable; and they shall cause the Cashiers of the Branches to make a like complete memorandum, in alphabetical order, of all the debts due at the several Branches, by each individual, with the names of the endorsers, or other security, and the date of the notes and bills, and when payable; one copy of which shall be retained at the Branch, another copy shall be transmitted to the principal Bank; and these memorandums shall, at all times, be open to the examination of the President and Directors of the principal Bank and Branches.

List of debtors how and when made out.

SEC. 43. The President and Directors of the principal Bank shall have power and authority to purchase and to transfer any scrip or bonds which may be issued by the State: *Provided*, not more than one half the capital of said Bank, paid in, be held in such scrip or bonds at the same time.

May hold and transfer State scrip.

SEC. 44. Notes to be issued by said Bank, of a denomination less than five dollars, may be signed by the President, or Cashier of said Bank, without being countersigned by any other officer.

Small notes how signed.

SEC. 45. The President and Directors of the principal Bank may, under the direction of such agent or agents as they may think proper to appoint, keep open books for the transfer of the stock of said Bank, at such places, and under such rules and regulations, as they may deem proper.

May keep books for transfer of stock.

SEC. 46. That a Branch with a capital of one hundred and fifty thousand dollars be located in the town of Russellville, Logan county: *Provided*, the amount of said capital be subscribed for, and taken by residents of the county of Logan, within twelve months from and after the mother Bank shall have commenced its operations; and if said Branch shall be established, the capital stock of the Bank shall be and is hereby increased from two million three hundred thousand dollars to two million four hundred and fifty thousand dollars; and books for the subscription of stock shall be opened at Russellville under the direction of the following commissioners, viz: Nimrod Long, George

Branch located at Russellville on condition.

1850. W. Norton, M. B. Morton, R. W. Courts, J. B. Bibb, Ephraim M. Ewing, and William Watkins.

At Georgetown
on condition.

SEC. 47. That if said Branch proposed to be located at Russellville, in the 46th section of this act, should not be located according to the terms thereof, then said Branch shall be located at Georgetown, Scott county, with an additional capital of fifty thousand dollars, so as to make the capital of said Branch two hundred thousand dollars: *Provided*, that the stock thereof shall be taken by residents of Scott county, within two years after the principal Bank shall go into operation. That John T. Pratt, J. T. Craig, A. Duvall, D. G. Hatch, William Johnson, P. L. Mitchell, William B. Keene, James F. Beatty, Junius R. Ward, Thomas J. Shepherd, W. L. Sutton, and D. H. Smith be appointed commissioners to open books and receive stock under this section of this act.

Approved February 16, 1850.

CHAPTER 157.

AN ACT to provide for further compensation for killing Wolves and Wild Cats.

For killing
Wolves.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, every person who shall kill any wolf in this Commonwealth, shall receive the sum of four dollars for each wolf he shall kill.

For killing
Wild Cats.

SEC. 2. That every person who shall kill any wild cat in this Commonwealth, shall receive the sum of one dollar for every wild cat he shall kill.

Head to be pro-
duced to Justice

Oath to be ta-
ken.

SEC. 3. That any person claiming the benefit of this act, shall produce before some Justice of the Peace of the county where such wolf or wild cat was killed, the head thereof; and the Justice shall administer to such person the following oath, to-wit: "You do solemnly swear (or affirm, as the case may be,) that the head now produced by you is the head of a wolf (or wild cat, as the case may be,) which you have killed in this State, and that you did not take said wolf or wild cat in any other State or Territory, and bring the same into this State, either directly or indirectly." And said Justice shall require, upon oath, the time, as near as may be, when said wolf or wild cat was killed, and in what county so killed; and such Justice shall grant to the killer a certificate, stating his name, and that the killer has taken the oath required by this act.

Head to be de-
stroyed.

How claim to
be certified.

SEC. 4. That every Justice of the Peace, before whom the head of any wolf or wild cat shall be produced, shall destroy it forthwith, after granting the certificate required by this act.

SEC. 5. That any person holding a certificate under the provisions of this act, who shall produce the said certificate

to the Circuit Court of the county where such wolf or wild cat was killed, and said Court shall certify the amount to which the claimant is entitled thereon, under this act, to the Auditor of Public Accounts, and the Auditor shall issue his warrant therefor, to the person entitled to receive the same, on the Public Treasury.

1850.

Approved February 20, 1850.

CHAPTER 159.

AN ACT to legalize the proceedings of the Estill County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the Estill County Court, held on the fourth Mondays in the months of January and February, 1849, be and the same is hereby legalized, and rendered valid to all intents and purposes, as though the same had been held on the third Monday in each of said months.

Approved February 20, 1850.

CHAPTER 164.

AN ACT to change the time of holding Magistrates' Courts in Garrard and Bracken counties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Justices of the Peace in Garrard county, shall hereafter hold their Courts in the months of January, April, July, and October, and in each year, instead of the months now required by law.

Justices of
Garrard.

Sec. 2. That when any process has been executed to the March term of any of said Justices Courts, the same shall be considered a sufficient service to the April term of said Court.

Process re-
turned.

Sec. 3. That the Justices of the Peace in Bracken county, shall hereafter hold their Courts in the months of February, May, August, and November, in each year, instead of the months now required by law.

Justices of
Bracken.

Sec. 4. That this act, so far as it relates to Bracken county, shall go into effect on the first day of April next; and causes in said Courts shall be docketted for trial in accordance with this act.

When to go
into effect.

Approved February 20, 1850.

CHAPTER 176.

AN ACT to direct certain terms of the Kenton Circuit Court to be held in Covington.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Judge of the fourth Judicial District shall hold, annually, three terms of the Kenton

Three terms of
Circuit Court to
be held in Cov-
ington.

1850.

Circuit Court in the city of Covington, at such place as the City Council shall provide; and the terms shall commence on the first Mondays in February, July, and December, and continue so long as the business shall require. The Judge may take a recess, or adjourn said Court from time to time, to meet on any day before the succeeding term that he may deem proper; and the said Judge may appoint special chancery and criminal terms whenever he shall deem the business requires it.

Clerk to keep a distinct docket for terms held when parties reside in Covington or nearer than to Independence.

Sec. 2. The Clerk of said Court shall keep a distinct docket and record for the terms held at Covington, and shall docket all causes therein that are now pending in said Circuit Court where the parties reside in Covington, or nearer Covington than Independence, and such as may be brought in said Court at Covington, and all others that may be removed to said Court. The parties may agree to the removal of any cause now pending in said Court to be tried at Covington; and in all removal of causes, the Clerk shall remove the papers, without fee, and transcribe the orders in the case, for which he may tax up regular fees as costs. The Clerk shall keep an office in said city at such place as the City Council may provide.

Papers to be removed without fee.

Council to provide a jail, &c.

Sec. 3. The City Council of Covington shall provide a jail which, and the Jailer, shall be under the control of said Court, so far as necessary in the administration of justice; and persons committed by said Court, and to be tried in said Court in Covington, shall be committed to said jail.

Council to notify Judge when Court Room, Clerk's office, &c., are ready.

Sec. 4. That so soon as the Council give notice to the Judge, that the Court room, Clerk's office, and jail, are ready for said Court, and the Judge, upon personal inspection, shall be satisfied thereof, he shall direct the Clerk to remove the papers aforesaid and open an office in said city. The Judge may then try all causes ready for trial, or may adjourn the Court to any particular day and proceed with the trial of causes; after which the terms shall be held as hereinbefore expressed. All process issued in causes to be tried or pending in said Court, or in executing its judgments and decrees, shall be returnable at Covington.

Process returnable at Covington.

May hold court on other days, if first day is omitted.

Sec. 5. If, from any cause, the said Court shall not be holden on the first day of the term, the Judge may nevertheless commence the term on the second, third, or fourth day thereof. The officers attendant upon said Court shall be allowed the same compensation therefor as if holden in a different county.

Judge to appoint Commissioners.

Sheriff to summon Jurors.

Sec. 6. That the Judge shall appoint Jury Commissioners to select jurors for the terms at Covington, distinct from those appointed at Independence. The jurors for the first term at Covington shall be summoned by the Sheriff without first having been selected by jury Commissioners.

Approved February 21, 1850.

CHAPTER 181.

1850.

AN ACT for the benefit of the Deaf and Dumb Asylum at Danville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the Kentucky Deaf and Dumb Asylum, at Danville, be and they are hereby authorized to select, each year, as many as five indigent pupils, of good talents and character, and to retain them in the Asylum for two additional years at the expense of the State, as now paid.

Trustees may continue 5 pupils 2 years longer at State expense.

SEC. 2. That two hundred dollars be appropriated each year, to be paid out of the Treasury, to said Trustees, for clothing indigent and necessitous pupils in said Asylum.

Appropriation for clothing indigent pupils.

Approved February 21, 1850.

CHAPTER 186.

AN ACT authorizing additional terms of the Hart County Court, and Green and Grant Circuit Courts, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it may be lawful for the Hart County Court to hold a term of said court on the first Mondays in May and November, in each year, in addition to the courts now held in said county, under the same laws and restrictions now imposed on County Courts.

Hart County Court.

SEC. 2. That the Judge of the Green Circuit Court is hereby directed to hold a chancery and criminal term of said court, on the second Monday in August in each year, for the purpose of disposing of chancery, criminal, and penal causes; and it may be lawful to take such preparatory steps and proceedings in said causes as may be necessary to prepare the same for final trial; and he is hereby authorized to have empaneled for said circuit a grand jury, at each of said terms, if necessary; and in all things to be governed by the laws now in force.

Special term to be held in Green county.

SEC. 3. That another term be allowed to the Grant Circuit Court, which shall commence on the third Monday in August, and continue six juridical days, if the business shall require it.

Another term allowed to the Grant Circuit Court.

SEC. 4. *Be it further enacted*, That it shall be lawful for the County Court of Boone to authorize the Clerk of said court, at their discretion, to transcribe into another book, to be by them provided, all the deeds, mortgages, &c., contained in Book C, for which the court aforesaid shall pay the said Clerk such an amount as may, by them, be deemed right and proper; to raise which amount the court shall be authorized to levy a county tax.

County Court of Boone may authorize Clerk to transcribe deeds.

SEC. 5. *Be it further enacted*, That the act, entitled, an act for the benefit of Isham G. Hamilton, approved January 28, 1849, be and the same is hereby extended, and declared to be in full force and virtue from and after the first day of March, 1850.

Act for benefit of I. G. Hamilton continued in force.

1850.

Hopkins county court to hold a court in July.

Barren county court to hold a court in March, 1850.

Judge of Crittenden circuit court may appoint clerk in vacation.

Clerk to take oath and give bond.

SEC. 6. *Be it further enacted*, That the County Court of Hopkins county shall, hereafter, hold a term of said court in the month of July, in each year, on the same days in said month as their courts are now held in other months.

SEC. 7. *Be it further enacted*, That the Justices of the Barren County Court be and they are hereby authorized to hold a term of the Barren County Court on the first Monday in March, 1850.

SEC. 8. *Be it further enacted*, That the Judge of the Crittenden Circuit Court be hereby permitted and authorized to appoint, in vacation, a Clerk, *pro tem*, for said court; and that the person who may be so appointed Clerk, *pro tem*, of said court, shall, before entering upon the duties of the office, in the County Court for the county of Crittenden, take the oaths of office and execute the bond in such way and manner as the same is now required by law to be done in the Circuit Court: *Provided*, That said appointment shall be made by the said Judge in writing, which shall be proven in the County Court of Crittenden county by the oath of one or more subscribing witnesses.

Approved February 26, 1850.

CHAPTER 189.

AN ACT in relation to Limited Partnerships.

Limited partnerships authorized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That limited partnerships, for the transaction of any agricultural, mercantile, mechanical, mining and transporting of coal, or manufacturing business, within this State, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed; but the provisions of this act shall not be construed to authorize any such partnership for the purpose of banking or making insurance.

Firms how constituted.

SEC. 2. Such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners, as now are by law, and of one or more persons who shall contribute in actual cash payments, a specific sum as capital to the common stock, who shall be called special partner and who shall not be liable for the debts of the partnership, beyond the sum so contributed by him or them to the capital.

General partners.

SEC. 3. The general partners only shall be authorized to transact business, and sign for the partnership, and to bind the same.

Partners to sign certificates.

SEC. 4. The persons desirous of forming such partnership, shall make, and severally sign, a certificate, which shall contain: 1. The name or firm under which such

partnership is to be conducted. 2. The general nature of the business intended to be transacted. 3. The names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence. 4. The amount of capital which each special partner shall have contributed to the common stock. 5. The period at which the partnership is to commence, and the period at which it will terminate.

1850.

SEC. 5. The certificate shall be acknowledged by the several persons signing the same, in the manner, and before the same persons that deeds are now acknowledged, and the said acknowledgment shall be certified in the same manner as the acknowledgment of deeds are now certified.

Acknowledg-
ment of certifi-
cate.

SEC. 6. The certificate, so acknowledged and certified, shall be recorded in the office of the Clerk of the County Court of the proper county in which the principal place of business of the partnership shall be situated; and shall also be recorded by him at large, in a book kept for that purpose, open to public inspection; if the partnership shall have places of business situated in different counties, a transcript of the certificate, and of the acknowledgment thereof, duly certified by the Clerk, in whose office it shall be filed, and under his official seal, shall be filed and recorded in like manner, in the office of the Clerk of every such county.

Certificate to
be recorded, &c.

SEC. 7. At the time of filing the original certificate, with the evidence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating the sums specified in the certificate to have been contributed by each of the special partners to the common stock, and to have been actually and in good faith paid in cash.

Amount of cap-
ital to be speci-
fied and sworn
to.

SEC. 8. No such partnership shall be deemed to have been formed, until a certificate shall have been made, acknowledged, and filed for record, nor until an affidavit shall have been filed as above directed; and if any false statement be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners.

No partnership
legally formed
until certificate
filed, &c.

SEC. 9. The partners shall publish the terms of partnership, when registered, for at least six weeks immediately after such registry, in two newspapers, to be designated by the Clerk of the Court of the county in which such registry shall be made, and to be published in the county or counties in which their business shall be carried on; and if such publication be not made, the partnership shall be deemed general.

Shall publish
terms of part-
nership.

SEC. 10. Affidavits of the publication of such notice, by the printers of the newspapers in which the same shall be published, may be filed with the Clerk of the Court direct-

Affidavits of
publication to be
filed.

1850.

ing the same, and shall be evidence of the facts therein contained.

Renewal to be
certified and re-
corded.

SEC. 11. Every renewal or continuance of such partnership, beyond the time originally fixed for its duration, shall be certified, acknowledged, and recorded, and an affidavit of a general partner be made and filed, and notice be given in the manner herein required for its original formation; and every such partnership which shall be otherwise renewed or continued, shall be deemed a general partnership.

Alteration of
terms deemed a
dissolution, and
declared general
partners.

SEC. 12. Every alteration which shall be made in the names of the partners, the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution, of the partnership; and every such partnership which shall in any manner be carried on after such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the preceding section.

Name of firm
how constituted

SEC. 13. The business of the partnership shall be conducted under a firm, in which the names of the general partners shall be inserted, without the addition of the word "company," or any other general term; and if the name of any special partner shall be used in such firm, with his privity, he shall be deemed a general partner.

Suits how to
be brought.

SEC. 14. Suits in relation to the business of the partnership may be brought and conducted by and against the general partners, in the same manner as if there were no special partners.

Special part-
ner's capital not
liable for previ-
ous debts of gen-
eral partners.

SEC. 15. No part of the sum which any special partner shall have contributed to the capital stock, shall be liable for any debts previously contracted by the general partners, nor shall any part of such sum be withdrawn by him, or paid or transferred to him, in the shape of dividends, profits, or otherwise, at any time during the continuance of the partnership; but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of such capital; and if, after the payment of such interest, any profits shall remain to be divided, he may, also, receive his portion of such profits.

Capital not to
be reduced.

SEC. 16. If it shall appear that, by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest.

Special part-
ners may ex-
amine business.

SEC. 17. A special partner may, from time to time, examine into the state and progress of the partnership concerns, and may advise as to their management; but he shall not transact any business on account of the partnership, nor be employed for that purpose, as agent, attorney,

or otherwise: if he shall interfere, contrary to these provisions, he shall be deemed a general partner.

1850.

SEC. 18. The general partners shall be liable to account to each other, and to the special partners for the management of their concern, both in law and equity, as other partners now are by law.

General partners liable to each other.

SEC. 19. Every partner who shall be guilty of fraud in the affairs of the partnership shall be liable, civilly, to the party injured, to the extent of his damage.

Frauds, &c.—liability.

SEC. 20. Every sale, assignment, or transfer of any of the property or effects of such partnership, made by such partnership when insolvent, or in contemplation of insolvency, or after or in contemplation of the insolvency of any partner, with the intent of giving a preference to any creditor of such partnership, or insolvent partner, over other creditors of such partnership, and every judgment confessed, lien created, or security given, by any such partner under the like circumstances, and with the like intent, shall be void, as against the creditors of the partnership.

Assignments, &c., in contemplation of insolvency, void.

SEC. 21. Every such sale, assignment, or transfer, of any of the property or effects of the general or special partner, made by such general or special partner when insolvent, or in contemplation of insolvency, or after or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own, or of the partnership, a preference over creditors of the partnership, and every judgment confessed, lien created, or security given, by any such partner, under the like circumstances, and with the like intent, shall be void, as against the creditors of the partnership.

Assignments by either of partners void.

SEC. 22. Every special partner who shall violate any provisions of the two last preceding sections, or who shall concur in, or assent to any such violation by the partnership, or by any individual partner, shall be liable as a general partner.

Special partners liable as general for violation of act.

SEC. 23. In case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim, as a creditor, until the claims of all the other creditors of the partnership shall be satisfied.

Cannot claim as creditors till others are satisfied.

SEC. 24. No dissolution of such partnership, by the acts of the parties, shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of such dissolution shall have been filed and recorded in the Clerk's office, in which the original certificate was recorded at least four weeks, and published once in each week for four weeks, in a newspaper printed in each of the counties where the partnership may have places of business.

No dissolution to take effect till end of term of partnership with out notice.

SEC. 25. That those who may associate themselves as partners, under the provisions of this act, shall be deemed

Name to be on sign.

1850.

to be general partners, and in all respects shall be liable as such, unless they shall, at each place of business, keep up a plain and legible sign, on which shall be written the name and style of the firm, followed by the words "Limited Partners."

Notices to be
stuck up.

SEC. 26. If there be no newspaper or papers published in such county as the notices in this act are required to be published, then such notices shall be posted up at the Court House door of such county, and at the Post Office nearest the places of business of such firm, for four weeks before such dissolution; and shall also be published in some newspaper printed nearest to such place or places of business for four successive weeks.

Approved February 26, 1850.

CHAPTER 192.

AN ACT to simplify the rules of practice in civil and criminal cases, and to provide for revising and codifying the Statute Laws.

Commission-
ers to simplify
rules of practice
to be appointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor of this Commonwealth be requested, and he is hereby authorized and empowered, to appoint, with the advice and consent of the Senate, three persons, learned in the law, whose duty it shall be, as soon as practicable, to prepare a code of practice, both civil and criminal, for this Commonwealth, by abridging and simplifying the rules of practice, and the laws in relation thereto, and whose duty it shall be to report, at as early a day as practicable, the result of their labors to the General Assembly for their adoption or modification, from time to time.

Their compen-
sation.

SEC. 2. *Be it further enacted*, That the persons, so appointed, shall, from time to time, receive an adequate compensation for their services, to be paid out of the public Treasury.

Commission-
ers to codify the
laws to be ap-
pointed.

SEC. 3. *Be it further enacted*, That three Commissioners, learned in the law, be appointed by the Governor, by and with the advice and consent of the Senate, to revise, digest, and systematize, the civil and criminal statute laws of this Commonwealth, reducing the law upon each subject under particular chapters and titles, and that they report to the next General Assembly, or so soon as they have completed their work; and that, upon its completion, they be allowed adequate compensation therefor out of any money in the Treasury not otherwise appropriated.

Their compen-
sation.

Approved February 26, 1850.

LAWS OF KENTUCKY.

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CHAPTER 199.

1850.

AN ACT to send the laws of this State to the Governor of Liberia, in Africa.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be authorized and directed to deliver to the Agent of the Kentucky Colonization Society one copy of Brown & Morehead's Digest, one copy of Loughborough's Digest, together with one copy of the general acts of the Legislature passed since Loughborough's Digest, and three copies of the Second Auditor's report, for the purpose of delivering the same to the Governor of Liberia, in Africa.

Approved February 28, 1850.

CHAPTER 201.

AN ACT concerning the Old Bank of Kentucky, and the Bank of the Commonwealth of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all money belonging to the Old Bank of Kentucky, or which may hereafter belong to said Bank, shall be set apart as a fund to equalize the stockholders of the said Bank, and shall be appropriated to that purpose alone, after the payment of the debts and necessary expenses of said Bank, it being the intent hereof that payment be made of so much of the dividends first declared, as remain unpaid, so far as the same can be done with the funds on hand at any time.

Money on hand
how appropriated.

SEC. 2. It shall be lawful for the President of the said Old Bank of Kentucky, with the advice and consent of the Commissioners of the Sinking Fund, to invest so much of the money of said Bank, on hand at any time, as may not be immediately required for the purposes declared in this act, in bonds of the State of Kentucky: *Provided,* That if the funds so invested shall, at any time, be needed to carry out the intent of this act, it shall be the duty of the Commissioners of the Sinking Fund to redeem one or more of said bonds.

President may
invest funds in
State bonds.

SEC. 3. The charters of the Bank of the Commonwealth of Kentucky, and of the Old Bank of Kentucky, are hereby extended until the first day of March, 1855.

Charters ex-
tended to March
1855.

Approved February 28, 1850.

CHAPTER 207.

AN ACT to provide for the payment and investment of the interest on the bonds of the State of Kentucky, held by the Board of Education, and for the amendment of the laws concerning Common Schools.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Commissioners of the Sinking Fund shall be and they are hereby directed to pay out

Commissioners
Sinking fund au-
thorized to pay
int'est on bonds.

1850.

Proviso.

of the proceeds of that Fund into the State Treasury, to the credit of the Board of Education, the semi-annual interest, as it shall fall due, upon the bonds of the State of Kentucky, now held, or which may at any time hereafter be held, by the Board of Education: *Provided, however,* that the payments required by this section shall not be made by the Commissioners of the Sinking Fund, except out of such resources of said Fund as shall remain, from half year to half year, after the semi-annual interest on the bonds of the State of Kentucky now outstanding, other than bonds to the Board of Education, shall have been paid.

Balance of interest to be paid out of ordinary revenue

SEC. 2. *Be it further enacted,* That whatever balance of interest upon the bonds of the State, held by the Board of Education, shall remain unpaid by the Commissioners of the Sinking Fund, from half year to half year, shall be paid out of the ordinary revenue of the State, as far and as fast as the condition of the Treasury will, from time to time, permit.

Second Auditor directed to settle interest account, and Governor to issue bond therefor.

SEC. 3. *Be it further enacted,* That the Second Auditor shall settle the interest account of the Board of Education with the State of Kentucky, up to the first day of January, 1850, and the Governor shall execute to the Board of Education a new State bond, bearing interest at the rate of five per centum per annum, payable half yearly from the said date, the said bond to be payable at the pleasure of the Legislature, to be neither transferable nor assignable, and to be for the exact sum found to be due, at the date and upon the settlement herein directed.

Board of Education directed to invest surplus funds from year to year.

SEC. 4. *Be it further enacted,* That the Board of Education shall be and they are hereby authorized and directed to invest, as permanent funds, for the use and in the name of the said Board, all the surplus funds, from whatever source appropriated by law to the cause of Common Schools and general education, that may remain in the State Treasury, after defraying all the expenses of the school system, from year to year, or oftener, at the discretion of said Board of Education; and it shall be the duty of said Board to invest these surpluses in the bonds of the State of Kentucky now outstanding, whenever that can be done on as good terms as other equally safe and profitable investments, the preference being always given to said bonds, in said investments.

Commissioners of Common Schools, how appointed hereafter, their powers duties, &c.

SEC. 5. *Be it further enacted,* That the mode of appointing Commissioners for Common Schools, in the several counties of this State, shall hereafter be as follows, to-wit: there shall be a number of School Commissioners for each county, not exceeding three, to be determined upon by the County Court thereof, one of whom shall reside at or conveniently near to the county-seat; he or they shall be appointed by the County Court of said county, and shall give

1850.

bond, with two or more good and sufficient securities, to be approved by the Clerk of said County Court, and said bond shall be filed in the office of said Clerk within four weeks after the said appointment, conditioned for the faithful discharge of the duties of his or their said offices of Commissioners of Common Schools. The Superintendent of Public Instruction shall be notified by said County Clerk of said appointments, as soon as said bond is filed in his office; and he shall be notified, immediately, of all changes in said offices of School Commissioners, by said County Clerk, as changes are made from time to time. The County Commissioners of Common Schools shall hold their offices for two years, and may be re-appointed, but shall renew their bond and security upon their re-appointment. He or they shall settle his or their accounts once every year, and oftener, if required, with the Clerk of the County Court, under the directions of said Court, which settlement shall be entered of record in said office; and a certificate of the Clerk, that it has been made and recorded, shall be sent by said Commissioner to the Superintendent of Public Instruction within four weeks thereafter. The said County Commissioners of Common Schools shall receive, for his or their services, one dollar a day, for each and every day he or they may be necessarily engaged in the discharge of the duties of his or their said offices, the amount of which compensation shall be included in and paid out of the county levy. The County Court shall fill, by appointment, all vacancies in the offices of School Commissioners. The first appointments, under this act, shall be made during the month of March, 1850, by the County Courts of the various counties of the State; and if not made at that time, shall be made as soon thereafter as possible. The present School Commissioners shall continue in office until the new Commissioners shall be appointed and qualified, under this act. The powers, duties and responsibilities of the Commissioners of Common Schools, appointed under this act, shall remain the same as they have heretofore been; and he or they shall perform the duties heretofore required of the County Treasurer, and have the same powers that that officer has heretofore had, and incur the same liabilities; and the office of County Treasurer is hereby abolished.

Sec. 6. *Be it further enacted*, That in laying off districts that embrace any town or village, or any part thereof, the County Commissioner or Commissioners shall be and they are hereby authorized, at his or their discretion, to unite the whole number of children of the proper age of any town or village into one district, or divide into several, according to his or their discretion. If divided into several districts, separate schools shall be taught in each, and each shall be separately reported. If the whole is embraced in one district, it shall be reported as one district, no matter

Duty of County Commissioners in laying off districts.

1850.

how many schools may be taught in it; and the State money going to that district shall, in that case, be distributed amongst the several schools, if there be more than one in the same district, according to the relative number of children taught in each school, from time to time. Where the local authorities in any town shall establish and sustain a system of common school instruction, under their own control, they have power to report directly to the Superintendent of Public Instruction, and receive their share of the public school money, distributed from year to year, in the same manner and upon the same conditions as are allowed by the act of 1845, in the cases of Louisville, Lexington, and Maysville, and by subsequent acts to some other towns and cities: *Provided*, That where there is more than one Commissioner in any county, each Commissioner, in the absence of the others, may exercise all the rights and powers, and perform all the duties prescribed by law for the whole number.

Proviso.

The 3d section
of act of 1848-9
repealed.

SEC. 7. *Be it further enacted*, That section 3 of chapter 523 of the acts of 1848-9, entitled, "An act for the benefit of Common Schools," approved February 26, 1849, is hereby repealed; and all acts, or parts of acts whatever, that conflict with the provisions of this act, or any one of them, are hereby repealed, in so far as they conflict with the provisions of this act, and no further.

Districts that
organize in 1850,
authorized to
draw for school
fund for 1849-50.

SEC. 8. *Be it further enacted*, That any county or part of a county in the State that did not organize and teach a school or schools last year, as provided for by law, that will organize and teach a school or schools for the term of six months, on or before the first day of December, 1850, and report the same, shall be entitled to their full proportion of the school fund, for the years 1849 and 1850; and the Superintendent of Public Instruction is hereby authorized and directed to draw his warrant for the same.

County com'rs
authorized to
administer oath.

SEC. 9. *Be it further enacted*, That County Commissioners are hereby authorized to administer the oaths, required by law, to the Trustees of Common Schools, upon reports made to them by said Trustees.

Town districts,
how they may
be organized.

SEC. 10. *Be it further enacted*, That whenever any town shall be made one school district in which one or more schools are to be taught, it shall be lawful for the School Commissioners to add to such district so much of the county immediately in the vicinity of said town, as in their judgment will best promote the success of the Common School system.

Approved March 1, 1850.

LAWS OF KENTUCKY.

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CHAPTER 212.

1850.

AN ACT to provide for the proper carrying out of the submission of the new Constitution to the people of Kentucky.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Sheriffs, and other returning officers, of the several counties of this State, authorized by law to hold elections for members of the General Assembly, to open and hold a poll in every county in the State and in the city of Louisville, at the places and precincts designated by law for holding the Presidential election in 1848, and other places where elections are authorized to be holden, upon the first Monday and Tuesday of May, 1850, for the purpose of taking the sense of the good people of this State in regard to the adoption or rejection of the new Constitution, framed and submitted to the people for their ratification or rejection, by the Convention which assembled in Frankfort on the first Monday in October, 1849.

Elections to be held.

Sec. 2. It shall be the duty of the said Sheriffs and other returning officers to receive the votes of all persons entitled to vote for members of the General Assembly under the present Constitution; the said officers shall open a poll with two separate columns, viz: one "For the new Constitution," the other "Against the new Constitution;" and shall address to each voter presenting himself at the polls to cast his vote, the question, "Are you in favor of adopting the new Constitution?" and if he shall answer in the affirmative, his vote shall be recorded in the column for the new Constitution; and if he shall answer in the negative, his vote shall be set down in the column against the new Constitution.

Polls to be opened with 2 columns, for & against.

Sec. 3. The said election shall be conducted for two days, and in every other respect as the State elections for Representatives to the General Assembly are now conducted; and on the Thursday succeeding the said election and taking of said vote of the people upon the new Constitution, the various Sheriffs conducting said election at the different precincts and places of voting, shall assemble at the Court Houses of their respective counties and compare the polls of said election; and shall, within ten days thereafter, make due return thereof to the Secretary of State, in conformity to the provisions of the existing laws upon the subject of the election of members of the General Assembly.

Polls to be compared and return made to Secretary of State.

Sec. 4. *Be it further enacted,* That the County Courts of the several counties shall, at the March or April terms 1850, of their respective County Courts, appoint two Judges and a Clerk for each place of voting in their respective counties; and that it shall be the duty of the several Sheriffs of this State to appoint as many deputies as may be necessary to conduct the voting at the several places of

County Courts appoint judges, clerks, &c.

Sheriff to report deputies to County Court.

1850.

voting in their respective counties, and report the same to their respective County Courts, at the same term at which their Courts shall appoint the Judges and Clerk as herein directed; and the said Sheriffs, and deputies, and Judges, and Clerks, so appointed, shall be liable to all the penalties denounced against, and have all the powers conferred upon, Judges, Clerks, Sheriffs, and Deputy Sheriffs, by an act, entitled, an act more effectually to protect the rights of suffrage, approved March 1, 1842.

Sheriff to appoint if County Court fails.

SEC. 5. Should the County Court of any of the counties of this Commonwealth fail or refuse to appoint Judges, Clerks and Sheriffs to superintend the election and taking of the vote of the people, as provided for in this act, the Sheriff of any such county shall appoint said Judges, Clerks and Deputy Sheriffs; and upon his failure or refusal so to do, it shall be the duty of some Justice of the Peace to make said appointments.

Clerk to compare polls if Sheriff fails.

SEC. 6. Should any of the Sheriffs or Deputy Sheriffs, in any of the counties of this Commonwealth, die, resign, or from any other cause fail or refuse to attend with the poll book, as required and directed by this act, for the comparison and counting of the votes on the adoption or rejection of the new Constitution, it shall be the duty of the County Court Clerk, or his Deputy, to attend with such poll books, and aid in such comparison and forwarding of the vote to the Secretary of State, and in every respect, perform the same duties which the Sheriff would have to perform, were he acting; and the said County Court Clerk or Deputy Clerk shall be liable to the same penalties, for a failure to discharge the duties imposed upon them by this act, which are imposed upon Sheriffs by law, for a failure to perform their duty in conducting other general elections.

Fines and penalties.

SEC. 7. That the Sheriffs and other returning officers aforesaid shall be liable to all such fines and penalties, for a failure to discharge the several duties imposed by this act, as are imposed upon them by law for a failure to perform their duty in conducting other general and State elections.

Penalty for illegal voting.

SEC. 8. That any person or persons, not entitled to vote for Representatives to the General Assembly under the present Constitution and laws, who shall vote for or against the new Constitution, at the election and taking of the vote of the people aforesaid upon the new Constitution, shall be liable to all the pains and penalties imposed by law upon those persons who vote contrary to existing laws, for members of the General Assembly of this Commonwealth.

To be printed and forwarded to Clerks County Courts.

SEC. 9. It shall be the duty of the Public Printer to print fifteen hundred copies of this act, and deliver them to the Secretary of State, whose duty it shall be to forward fifteen copies thereof to the Clerk of each County Court, by mail

or otherwise, as he may find to be the cheapest and surest means, at the public cost; and said Clerks are hereby required to deliver said copies to the Sheriffs of their respective counties, and take a receipt therefor.

1850.

Approved March 1, 1850.

CHAPTER 218.

AN ACT directing the Surveyor to administer the oath to Processioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the oath to be taken by Processioners of lands may be administered by the Surveyor, and his certificate to that effect shall be as valid as if given by a Justice of the Peace.

Approved March 1, 1850.

CHAPTER 220.

AN ACT concerning the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Clerk of the Court of Appeals to docket the causes in said Court for forty eight days, and said Court shall sit that number of days at each term, and longer if the business requires it.

Approved March 1, 1850.

CHAPTER 230.

AN ACT further to provide for the erection of the Second Kentucky Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That of the remaining sum pledged for the erection and completion of the Second Kentucky Lunatic Asylum, there is hereby appropriated the sum of forty five thousand dollars, out of any moneys in the Treasury not otherwise appropriated, for the purpose of completing the payments for the work already done and for progressing with the building of the said Asylum during the year 1850—five thousand dollars of which shall be payable at any time after the passage of this act, and the other forty thousand shall be paid quarterly thereafter; and the Second Auditor shall issue his warrant upon the Treasury for the same, upon the application of the commissioners appointed under the provisions of the second section of the act of February 28, 1848, concerning said Asylum: *Provided,* That no part of said forty thousand dollars shall be paid until the said commissioners shall certify to the Second Auditor that the full amount subscribed by the citizens of Christian county, for the use and benefit of said Asylum, has been paid.

Approved March 1, 1850.

1850.

CHAPTER 231.

AN ACT to provide for finishing the Lunatic Asylum at Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of ten thousand dollars be and the same is hereby appropriated to the Lunatic Asylum, at Lexington, for the purpose of completing the buildings of said Institution; and the same shall be paid to the Chairman of the Board of Directors, upon his executing bond, with security, to be approved by the Clerk of the Fayette County Court, in the penalty of ten thousand dollars, conditioned for the faithful application of the same to the purposes herein provided for.

Approved March 1, 1850.

CHAPTER 239.

AN ACT to prevent non-residents from bringing their cattle into certain counties and turning them loose.

Proceedings
agat'at for bring-
ing in and turn-
ing loose in
Whitley, Knox,
Harlan, Letcher,
counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, should any cow, calf, heifer, steer, bull, or any description of cattle whatever, belonging to any non-resident or non-residents of this State, be brought into the county or counties of Whitley, Knox, Harlan, or Letcher, by said non-resident or non-residents, or any person for him or them, and afterwards found running at large upon the vacant lands lying in said counties, or either of them, or upon any unenclosed lands other than the lands belonging to the owner or owners of said cattle, it shall and may be lawful for any Justice of the Peace in said county, in which said cattle may be found running at large, as aforesaid, upon information given, to issue his warrant, directed to any Constable of said county, who shall forthwith attach said cattle and bring the same before said Justice who issued the warrant, or any other Justice in said county; and said Justice shall cause a jury of twelve good and lawful men, to be empannelled and sworn, to enquire into the facts as above set forth, and upon the finding of a verdict as above set forth, said Justice shall enter his judgment accordingly, and direct said Constable to make sale of said cattle, for cash in hand, after having given notice of ten days of the time and place of sale; and said Constable shall receive and receipt for the purchase money aforesaid, and pay the same over to the Commissioners of Common Schools in said county, to be applied by them for Common School purposes; but said Constable may retain in his hands an amount sufficient to defray all necessary expenses hereafter to be enumerated. And should said Constable fail or refuse to pay over to said Common School Commissioners the amount of the sale of said cattle, after deducting expenses, he and

Proceeds sale
to be paid to
comm'n schools

Liabilities of
constables and
sureties.

his securities shall be liable to an action on his bond, for the nett amount aforesaid, in the name of the Commonwealth of Kentucky, for the use and benefit of said Common Schools. The Justice shall be entitled, for his full services herein, in each case, one dollar; the Constable, for full services, in attaching the cattle, summoning jury, and sale, one dollar and seventy five cents; summoning each witness, fifteen cents.

1850.

Approved March 2, 1850.

CHAPTER 245.

AN ACT making provision for running and marking the lines of Lincoln, Casey, Pulaski, Russell, and Adair, and for other purposes.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that the lines dividing the counties of Lincoln, Russell, Casey, Pulaski, and Adair, have never been run and marked, and in some places it is uncertain in which county certain individuals live. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of Clayton C. Montgomery, Surveyor of Lincoln county; James Allin, Surveyor of Casey county; O. J. Skinner, Surveyor of Russell county; Joseph Porter, Surveyor of Pulaski county; and William McNealey, Surveyor of Adair county, or any three of them, to meet on the first Monday in April next, at a point on Green river, corner to the counties of Casey, Russell, and Adair, and proceed to run and mark said county line, commencing at said corner and running the line between Russell and Casey, until they come to the intersection of the Pulaski line; thence running the line between Russell and Pulaski, to the Wayne county line, near John Dackry's; thence the line between Casey and Pulaski, to the Lincoln county line; thence the line between Lincoln and Casey.

Surveyors appointed to run lines.

SEC. 2. That said Surveyors, in running and marking said line, shall be governed by the several acts of assembly establishing the boundary of said counties, and shall run and mark said lines and corners in accordance therewith.

To be governed by acts establishing.

SEC. 3. That it shall be lawful for said Surveyors to employ two chain carriers and a marker, to run and mark said lines, as run by them; and said Surveyors, chain carriers and marker, before entering upon the duties prescribed by this act, shall go before some Justice of the Peace of one of said counties and take an oath to run and mark said lines fairly and impartially, between said counties, according to the provisions of this act.

Chain carriers to be employed.

Surveyors and chain carriers to take oath.

SEC. 4. That it shall be the duty of said Surveyors to make out five fair plats, with proper references, and a re-

Platts to be made out.

1850. port accompanying the same, one of which shall be recorded in the respective County Court Clerk's offices; and said Surveyors are hereby required to make returns accordingly.

Pay of surveyors and chain carriers.

Time of meeting

Three may act.

Surveyor of Casey to give notice.

Line between Floyd, Pike and Lawrence established.

SEC. 5. That said Surveyors shall have an allowance made by their respective County Courts, for their services, and the chain carriers and marker shall be allowed one dollar per day, each, for their services, under the provisions of this act, one fifth to be levied by each of said counties of Lincoln, Casey, Russell, Pulaski, and Adair; and in case it should happen that said Surveyors, or any three of them, cannot, or do not, meet on the day named in this act, it shall be their duty to meet on some other day, to be fixed by themselves, for the purpose of carrying into effect the provisions of this act; and when said lines are run and marked, according to the provisions of this act, it shall be the county line between said counties.

SEC. 6. Any three of said Surveyors shall be sufficient to carry out the provisions of this act.

SEC. 7. It shall be the duty of the Surveyor of Casey county to give notice, in writing, to the other Surveyors, of the time and place of meeting, according to the provisions of this act.

SEC. 8. *Be it further enacted*, That the county lines between Floyd, Pike, and Lawrence, be and the same is hereby established, as follows: beginning at the mouth of the Pigeon Roost fork of Wolf creek; thence to the top of the ridge between the Pigeon Roost fork and Emily, a branch putting into Wolf creek; thence with the dividing ridge, between the waters of Wolf creek and Big creek, to the highest point nearest the Tug fork of Sandy river; thence a straight line to the Tug fork, and down the same to the mouth of Wolf creek; and the line above described shall hereafter be the boundary line of the county of Lawrence; and the territory included within said boundary is hereby declared to belong and form a part of the last named county.

Approved March 4, 1850.

CHAPTER 251.

AN ACT to repeal an act, entitled, an act for the benefit of the Carroll County Court.

Second section of act repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the second section of an act, entitled, an act, approved February 28, 1848, for the benefit of the Carroll County Court, be and the same is hereby repealed.

Election precinct in Madison county.

SEC. 2. *Be it further enacted*, That an additional election precinct be and is hereby established at the tavern house

of Adam Rogers, in Madison county, to be governed by the general laws in relation to elections. 1850.

Approved March 4, 1850.

CHAPTER 260.

AN ACT to prohibit the floating of rafts, &c., at night, on the slackwater streams of this State, without a light to denote them.

WHEREAS, a practice prevails along the line of slackwater in Green, Barren, and Kentucky rivers, of turning loose, at night, rafts of timber, &c., to drift down said streams, without any light or other expedient to denote them, thereby endangering the property and lives of persons navigating said streams. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be lawful for any raft, or boat, to be turned loose to be floated at night down any of the slackwater streams, where navigable for steam boats, in this Commonwealth, without keeping up a sufficient light thereon, to be seen at least one fourth of a mile on water; said light to be kept up all night, beginning half an hour after sun set, and ending half an hour before sun rise.

Rafts and boats not to be turned loose without beacon light.

SEC. 2. That any person or persons wilfully offending against the provisions of this act, their aiders and abettors, shall be guilty of a misdemeanor, and shall be fined not exceeding one hundred dollars, and imprisoned not exceeding thirty days, in the discretion of a jury; and shall be liable to the party injured for such damages as said party may have sustained.

Penalty for violation.

SEC. 3. It shall be the duty of the circuit Judges, holding courts in counties where the offence mentioned in this act may be committed, to give the same in charge to the grand jury of said counties; and any fines collected under the provisions of this act shall be applied to lessening the county levy of the county where the offence was committed.

Judges to give act in charge to grand jury.

SEC. 4. That whenever the river, on which such misdemeanor shall be committed, be the line between two counties, the Circuit Court of either county shall have jurisdiction of the offence; but the offence shall not be punished in but one of the counties.

Proceedings when river is line between counties.

Approved March 4, 1850.

CHAPTER 266.

AN ACT for the benefit of the Bullitt and Meade Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, no deposition or depositions

1850. taken in term time of the Bullitt or Meade Circuit Courts shall be read in any cause pending in said Courts: *Provided*, that such deposition or depositions may be read by consent of parties to the cause entered of record.

Approved March 4, 1850.

CHAPTER 284.

AN ACT for the benefit of the County Court of Carter county.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that in the year 1847 the Justices of the Carter County Court, or a portion of them, being a majority of said Court, sold to John Seaton one lot in the town of Grayson, known on the plat of said town by No. 83; and, whereas, doubts are entertained as to whether said sale is legal, and whether the Court has power to convey the same. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the before, recited sale is hereby legalized, and the Justices of the Carter County Court, or a majority of them, are hereby fully authorized and empowered to convey said lot, No. 83, to John Seaton; and said conveyance, when so made, shall invest said Seaton with all the title which is now vested in said Court.

Sec. 2. *And be it further enacted*, That the money that said Court has or shall receive from said Seaton, in consideration of the sale of said lot, shall be, by said Court, laid out and expended in the purchase of a lot in a more eligible place for a Church and a School House, in, or adjacent to, the town of Grayson.

Approved March 4, 1850.

CHAPTER 286.

AN ACT to amend the law in relation to conveying criminals to the Penitentiary, and from one county to another.

Allowance to
sheriffs & guards

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all Sheriffs shall be allowed, for going and returning, twelve and a half cents per mile, for guarding criminals to the Penitentiary, and for guarding prisoners from one county to another, and the actual expenses incurred for such criminal or prisoners—that is, for ironing, diet, lodging, horse hire, ferriages, and tollage, and also ferriages and tollage for himself. That all guards shall be allowed six cents per mile for guarding criminals to the Penitentiary, and prisoners from one county to another, and also ferriages and tollage; the Sheriffs and Guards to pay their own expenses; the distance to be measured by the nearest and most usual land route; and

all such accounts shall be allowed by the Circuit Courts, after being sworn to by the Sheriffs or Guards presenting the same; and the Second Auditor shall issue his warrant for all such claims on the Treasury, for the amount due each Sheriff or Guard, unless it shall appear to the Second Auditor that the charges are too great; and in that event, the said Auditor shall take the best evidence that can be obtained in relation to the same; and he is hereby authorized to qualify any person as to the correctness of any such accounts.

1850.

SEC. 2. No allowance shall be made to any Sheriff for the services of any Guard, unless it shall be proven to the Court that the full amount asked for has been paid by the Sheriff to the Guard for his services; and when criminals are conveyed to the Penitentiary, or prisoners from one county to another, by steamboat, stage, or other conveyance, the Sheriff shall be allowed the expenses actually paid by him for such criminal or prisoner, and no more; all of which shall be sworn to by the Sheriff before any allowance is made.

No allowance for guard to be made unless proved.

SEC. 3. It shall be the duty of the Clerk of any Circuit Court, in which any of the aforesaid accounts shall be allowed, to certify that the same has been sworn to, proven, and allowed, according to the provisions of this act.

Accounts to be certified.

Approved March 4, 1850.

CHAPTER 290.

AN ACT to increase the salaries of the Clerks in the Auditors and Treasurer's offices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, there shall be an additional salary allowed to the Clerk in the First Auditor's office, to the Clerks in the Second Auditor's office, and to the Clerk in the Treasurer's office, of one hundred dollars per annum, each, to be paid quarterly out of the public Treasury, upon the warrant of the Second Auditor, as now required by law.

Approved March 4, 1850.

CHAPTER 314.

AN ACT to exempt Keepers of Public Ferries in Morgan, Henry, and Cumberland counties, from working on public highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, all Keepers of public ferries in Morgan, Henry, and Cumberland counties, shall be exempt from working on public highways in said counties.

Approved March 4, 1850.

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CHAPTER 328.

AN ACT repealing, in part, the act declaring Bear Creek and Little Barren River navigable streams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, an act declaring Bear Creek and Little Barren river navigable streams, approved February 5, 1845, as declares Little Barren river a navigable stream from its mouth up to Mitchell's mill, be and the same is hereby repealed.

Approved March 4, 1850.

CHAPTER 331.

AN ACT for the benefit of the several Boards of Internal Improvement west of Tennessee river.

WHEREAS, by virtue of divers acts of the Legislature for the benefit of the Lewis Pottery Company, Jacob Lewis was authorized to enter, west of Tennessee river, eight quarter sections of land, or 1,280 acres; and that under said laws he did, on the 11th day of December, 1834, enter 960 acres of said land; and in the year 1836 said Lewis entered the rest of said lands, but at neither time paid any money into the Land Office; and when he made said entries first, the price of land was twenty five cents per acre, and when he made the last, twelve and a half cents per acre; and whereas, by an act of the Legislature, approved 27th February, 1835, said Lewis was given five years from that date to pay for said lands, which said Lewis failed to do, and suit in the name of the Commonwealth was brought against him, by reason of which he had to pay the entry money for said lands, and interest on the same from the 27th February, 1840; and J. B. Husbands having attended to said suit and closed it, and collected from said Lewis said money, and the same belonging to said Boards of Internal Improvement, under divers acts of the Legislature relative to the proceeds of lands sold west of the Tennessee river, and no law exists requiring said Husbands to pay said money over to them. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Husbands pay over to said Boards, respectively, their several portions of said money, after retaining for his services in collecting said money the sum of fifty dollars, which sum is hereby allowed him.

Approved March 4, 1850.

CHAPTER 334.

AN ACT to amend the act to regulate the administration and settlement of estates, approved February 20, 1839.

WHEREAS, under the provisions of an act to regulate the administration and settlement of estates, approved Febru-

ary 20, 1839, it often occurs that the estates of the insolvent poor are exhausted by the costs of the suit for their equitable distribution, instead of being applied to the payment of their just debts. For remedy whereof,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of said act as authorizes or requires any executor or administrator of an insolvent estate, the assets of which, according to the inventory or appraisement thereof, do not amount to the sum of five hundred dollars, to file a bill in chancery for the equitable distribution thereof, pursuant to the provisions of said act, be and the same is hereby repealed.

Repealing clause.

SEC. 2. That when the assets of an insolvent decedent's estate are found, as aforesaid, not to exceed five hundred dollars, it shall and may be lawful for the executor or administrator thereof, by at least four weekly publications in any newspaper published in the county where said decedent last resided, if any be published there, and by public advertisements at four or more public places in said county, one of which shall be at the Court House door and another in the neighborhood of the decedent's last residence, to call on the creditors of said decedent to produce to said executor or administrator, or to file with the County Commissioners of said county, or one of them, their claims against said decedent, on or before some day to be fixed in said advertisement; which shall not be sooner than thirty days from the time of posting up said advertisements; whereupon it shall be the duty of said executor or administrator, on the day aforesaid, to go with said claims, if the same shall have been filed with him, before the County Commissioners, or one of them, for the settlement of accounts, in the county where said decedent last resided, in order to a settlement of the matters of his administration, and to an allowance or disallowance, as may be right, of the claims so presented against said decedent: *Provided*, that any one of said County Commissioners may act in making the settlement, under the provisions of this law, unless objected to by a majority of the creditors; and said Commissioner, whilst making it, shall be entitled to two dollars per day; when two or more of said Commissioners are required to make it, they shall be entitled to one dollar and fifty cents, each, per day: *Provided further*, that no claim shall be allowed by said Commissioner or Commissioners until the same is duly proven and sworn to as now required by law: *And, provided further*, that no claim shall be allowed, the justness of which may be controverted by the executor or administrator; but said claimant shall be left to his legal or equitable remedy.

When assets do not amount to \$500 executor or administrator to notify creditors to file claims.

One County Com'r may act, their fees, &c.

Claims to be proven.

SEC. 3. That after said settlement, and allowance or disallowance, by said Commissioner or Commissioners, of the claims preferred against the estate of the decedent, it shall

Claims allowed by Com'r's to be paid.

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be the duty of said executor or administrator, to pay out and distribute the assets which have come to his or her hands as directed in the third and fourth sections of the act, approved February 20, 1839.

Land to be reported by Commissioners.

Settlement may be ratified or excepted to.

Real estate may be sold.

SEC. 4. That if there be any land belonging to the estate of said decedent, to which he has the legal title, that fact, with the evidence thereof, shall be reported by said Commissioner or Commissioners, together with said settlement, to the County Court of their county; and said settlement, when returned, shall be held subject to ratification or exception, and shall, in all respects, be disposed of as provided by the act regulating the settlement of accounts of executors, administrators and guardians, approved February 24, 1834; and should no valid exception be taken to the sale of the real estate of said decedent, reported as aforesaid, the said County Court shall authorize said executor or administrator, or any Commissioner by them named, to make sale thereof, or so much thereof as the payment of the debts of the decedent may make necessary, saving to the widow of said decedent, if any, her dower therein, upon such terms as said court may direct and determine; and after the sale of any real estate, as aforesaid, and as often, with or without such sale, as the interests and exigencies of insolvent estates may require it, new, other and additional settlements may, from time to time, be made and ordered, pursuant to the provisions of this act; and the Commissioner or Commissioners, making the same, shall have all the powers and authority given and conferred by said act, approved February 24, 1834; and the Commissioner appointed to sell such real estate, or such other person as the Court may direct, shall, after the purchase money is paid by order of said Court, convey to the purchaser said real estate thus sold.

Executor or adm'r not liable after final settlement.

SEC. 5. That after the final settlement with any executor or administrator, and ratification thereof, pursuant to the provisions of this act, no executor or administrator shall be held liable, in law or equity, for any claim or demand against his said decedent, which was not produced before said Commissioner or Commissioners, executor or administrator, or before said County Court, unless upon proof of assets in the hands of said executor or administrator, not accounted for by him.

Executor or administrator may recover overpayment to distributee or creditor.

SEC. 6. That if any executor or administrator shall, hereafter, pay to any creditor an undue proportion of his debt, or to any distributee his portion of any estate, under a mistake as to the solvency thereof, it shall be lawful for such executor or administrator to recover of such creditor or distributee, the amount of such over-payment: and should any executor or administrator unduly delay, after six months, to give the notice, and make settlement, as required by this act, it shall be lawful for said County Commission-

ers, upon the application of any creditor or person interested in said estate, to issue a summons against said executor or administrator, pursuant to the provisions of the act aforesaid, approved February 24, 1834, and to cause advertisements to be made, pursuant to the provisions of this act, and to proceed to make said settlement, in every respect, as though the initiatory steps therefor had been duly instituted and taken by said executor or administrator; and should said executor or administrator disregard said summons, he shall be proceeded against, in every respect, as provided for by said act, approved February 24, 1834.

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Approved March 4, 1850.

CHAPTER 338.

AN ACT requiring the publication of unclaimed balances in Banks, and other corporations, in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of all Banks, and other corporations, in this State, now chartered, or which may hereafter be incorporated in this Commonwealth, annually, in the first week of January, to publish in some authorized newspaper therein all unclaimed balances or dividends to the credit of individuals, companies, or corporations, on the books of such Banks, or corporations, which have remained unclaimed for one year or more previous to the time of such publication—giving, in such publication, the amount of such balances, and opposite to each balance or dividend, the name of the person, company, or corporation, to whom they respectively belong; and when practicable, the place of residence of such person, &c.; and in selecting the newspaper for such publication, when there is no paper published where such corporation may have its principal place of business, the newspaper shall be selected which is published nearest thereto; and the expense of such publication shall be paid by such corporations, to be borne, *pro rata*, by such balances, and deducted therefrom by such corporations or Banks, when the same are respectively paid out.

Approved March 4, 1850.

CHAPTER 347.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of three thousand dollars be annually appropriated, for three years, to the Kentucky Institution for the Education of the Blind, to be applied, in the discretion of the Board of Visitors, to the payment of the ordina-

Annual appropriations made to Institution—how to be applied.

1850.

ry current expenses of the Institution ; to the painting, papering and finishing the main building ; to the procurement of carpeting for the floors, and of suitable chairs, tables, beds, bedding, window-blinds, and other furniture for the various rooms, passages and apartments thereof ; to the purchasing of necessary books, charts, maps, globes, instruments, apparatus, &c., for the library and literary department of the Institution ; to the erection and making of improvements on the lands and grounds appendant and appurtenant thereto, in fencing, building, repairing, or decorating.

Board of Visitors to make report of expenditures.

SEC. 2. *Be it further enacted*, That it shall be the duty of said Board of Visitors and the Managers of the Institution, in their annual and biennial reports, hereafter to be made to the Legislature of Kentucky, to set forth, specifically, how and in what manner said funds have been applied and paid out, from time to time, with full and complete lists and items of all purchases made, and the price or prices thereof.

Second Auditor to draw warrant in favor of president board.

SEC. 3. *Be it further enacted*, That the several sums of money, herein before appropriated, be paid in each year, commencing with 1850, to the President of said Board, or to his order, out of any money in the Treasury not otherwise appropriated, for which the Second Auditor shall draw his warrant, when legally called upon for that purpose.

May receive sixty pupils annually.

SEC. 4. *Be it further enacted*, That the President and Board of Visitors of said Institution shall have full power and authority, from time to time, if application be made, to receive each year and admit into the same as many as sixty pupils, on the same terms and conditions as now prescribed by law in such cases.

Books to be given to pupils on leaving institution.

SEC. 5. *Be it further enacted*, That each pupil who may hereafter graduate in, or be honorably discharged from, said Institution, shall receive from the President of the Board of Visitors, or from the Superintendent by his written order, one copy of the Bible and a copy of the Declaration of American Independence and the Constitution of the United States of America, for which no charge shall be made against said graduating or retiring pupil, but shall go and be considered and accounted as an item of the ordinary expenses of the said Institute, and annually, or as often as need be, the same shall be reported with the other expenses thereof.

Secretary of State to furnish board with acts and journals to this time.

SEC. 6. *Be it further enacted*, That upon application of the said President of the Board of Visitors, either personally or by writing, to the Secretary of State, the said Secretary shall furnish him with a copy of the Acts of the Kentucky Legislature and a copy of the Journals of the Senate and House of Representatives of this State, commencing with the session of the Legislature of 1841-2, and each year successively from thence hitherto.

SEC. 7. *Be it further enacted*, That hereafter, in the distribution of the acts of the Legislature and the Journals of the Senate and House of Representatives of this State, amongst the different persons and offices entitled thereto, that one copy of each be furnished to said Institution; all of which Acts and Journals shall be placed and kept in the library for the benefit of the officers thereof.

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Books hereafter to be furnished Institution.

Approved March 4, 1850.

CHAPTER 354.

AN ACT in relation to Idiots and Lunatics.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when the Circuit Court is not in session in any county in this Commonwealth, and any person shall apply to a Police Judge of any town or city, or to a Justice of the Peace, complaining that any Idiot or Lunatic is going at large, is dangerous or ungovernable, or is wasting his or her estate, it shall be lawful for the Police Judge or Justice of the Peace, to issue a writ of *de idiota inquirendo*, or *de lunatico inquirendo*, directed to the Sheriff or Coroner of the county, commanding him to summon a jury to appear at a time and place to be named in the writ; and when a lawful jury is empannelled, they shall be charged to enquire as is now directed by law in proceedings in the Circuit Court.

In vacation of Circuit Court Police Judges & Justices may issue writs, &c.

Jury to be empannelled.

SEC. 2. The Police Judge, or Justice of the Peace, in such cases as the laws allow the Idiot or Lunatic to be sent to the Asylum at Lexington, shall make an order on a copy of the verdict of the jury that the Idiot or Lunatic be sent to the Asylum, which shall be authority for the reception of the Idiot or Lunatic into the Asylum by the Keeper or Superintendent thereof.

Police Judge or Justice to make order sending to Asylum.

SEC. 3. In those cases where the Idiot or Lunatic has property, or where the Court has authority by law to make allowance to be paid out of the Treasury, the writ and verdict shall be returned to the Circuit Court, and the Circuit Court shall have the same powers over the Idiot or Lunatic, and his estate, as if the inquisition had been had and held in the Circuit Court. The Attorney for the Commonwealth, or the Attorney for the county, shall be notified to attend on the part of the Commonwealth; and the Police Judge, or Justice of the Peace, shall appoint an Attorney to see that the Idiot or Lunatic is not improperly condemned; and the Police Judge or Justice shall have power to appoint a committee to take charge of the Idiot or Lunatic, and his estate, until the meeting of the Circuit Court, taking bond and security of the committee for the faithful performance of his duty; and the Circuit Court shall have

Writs and verdict to be returned to Circuit Court in certain cases.

Attorney for Commonwealth or county to be notified to attend, &c.

Police Judge or Justice to appoint committee

Court may continue committee.

LAWS OF KENTUCKY.

1850.

power to continue the committee thus appointed, or appoint another at discretion, taking bond and security as required in other cases.

Approved March 4, 1850.

CHAPTER 369.

AN ACT to amend the penal laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any white person, or free negro, to write or deliver to any slave or slaves a written pass to go from one place to another, or a written authority for any purpose whatever, in the name of the owner or hirer or other person, or in the name of any fictitious person, other than the owner or hirer of such slave or slaves; and each and every person, so offending, shall be deemed and held guilty of forgery, and shall be liable to an indictment; and, upon conviction, to confinement in the Jail and Penitentiary House of this Commonwealth, for a period not less than one or more than five years, at the discretion of the jury; and shall, moreover, be liable to the owner for all damages growing out of such forged pass or authority: *Provided*, that this act shall, in no event, be construed as applying to any person who may, from their connexion to, or intimacy with, such owner or hirer, give such pass or written authority to such slave or slaves.

Approved March 5, 1850.

CHAPTER 392.

AN ACT to establish a Ferry across the Ohio river, at the city of Louisville.

Location.

Steam Ferry
Boat to be used.
Bond to be given.

Rates of ferrage

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a Ferry, from the city of Louisville across the Ohio river, is hereby given to William Preston, to be located on his lot, known as No. 2, in the deed of partition among the heirs of the late William Preston, deceased. That before said Preston shall exercise said privilege, he shall cause a safe and convenient landing place to be made on said lot, and shall furnish a good and substantial Steam Ferry Boat, for use, at said Ferry. He shall give bonds, with freehold security, to be approved by the Mayor and Council of Louisville, as required by the several laws relative to Ferries on the Ohio river; and he shall be subject to all laws, and liable to all penalties that now are or may be hereafter prescribed for those owning Ferries across the Ohio river; and he shall receive the same remuneration for transporting persons and property as is allowed at the other Ferries in Louisville; and if the conditions herein re-

quired are not complied with by the said Preston, within twelve months from the approval hereof, then the grant of the Ferry privilege herein shall be null and void: *Provided*, that after said Ferry shall go into operation, according to the true intent and meaning hereof, said Preston may land his Ferry Boat, and discharge and receive on board, at any other place in said city, where he may own the land adjoining the river, or shall have the consent of the proprietor of the landing.

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Approved March 5, 1850.

CHAPTER 422.

AN ACT in relation to Ferries in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the County Court of Campbell county, and said court shall have power, from year to year, to alter or change, in any manner, the rates of ferriage allowed to be charged at any ferry or ferries in said county: *Provided*, that the owner, lessee, keeper, or any person in charge of any ferry or ferries, at which such alteration or change of rates is desired to be made, shall have five days' notice, before the sitting of said court, of such intended alteration or change of said rates.

Approved March 6, 1850.

CHAPTER 424.

AN ACT to amend the Penal Laws of this Commonwealth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person or persons shall build, erect, or cause to be built or erected, or shall place or cause to be placed, in Green, Barren, or the Kentucky rivers, within the influence of slackwater, any pier, dock, wharf, or embankment, or any other kind of work whatever, or who shall extend or enlarge any such work now begun, so that the current of the river shall be changed thereby, or the channel of the river be affected thereby, or that shall form places of lodgement for drift, logs, sediment, or other deposits, that may change the current or affect the channel of the river, he, she, or they, offending, shall be held and deemed guilty of a misdemeanor, and shall be fined not less than three dollars for every day said work shall be allowed to remain.

Penalty for placing obstructions in Green, Barren and Ky. rivers, within influence slack-water.

SEC. 2. *Be it further enacted*, That it shall be the duty of the President, Directors, agents, or managers, of every bridge company now existing, or that may hereafter be allowed to be built, in either of said rivers, to keep their abutments, piers, pillars, or other bridge works, free of drift

Duty of bridge Companies, and penalty for failure to perform.

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logs, or other obstructions that tend to alter or change the current or channel; and every President, Director, manager, or agent, failing so to do, shall be liable to a fine of five dollars per day for every day any such obstruction or lodgement is allowed to remain, as well as to damages by action on the case in favor of any or every person whose property may be injured by reason of any such obstruction.

Agents on rivers to see that this act is enforced.

SEC. 3. *Be it further enacted*, That it shall be the duty of the agents or managers of the rivers, aforesaid, on the part of the State, to see that the provisions of this law be enforced against all and every person or persons violating the same; and the fines assessed shall be paid to the Board of Internal Improvement, and be by them expended in improving said rivers and removing obstructions therefrom.

Prosecution in whose name to be carried on, & fines applied.

SEC. 4. *Be it further enacted*, That prosecutions for the penalties under this act shall be in the name of the Commonwealth, by indictment of the grand jury, and no prosecutor shall be required; and the fines and costs may be collected as fines and costs imposed for a violation of the penal laws of this Commonwealth; and the indictment may be joint or several against all persons violating the provisions of this act.

Not to extend to works temporarily erected.

SEC. 5. *Be it further enacted*, That the provisions of this act shall be held not to extend to works temporarily erected in constructing bridges, nor to works to protect the washing away of the river banks, nor to the making of landing places, that do not change or alter the current or channel: *Provided*, that nothing herein contained shall be construed so as to interfere with vested rights.

Approved March 6, 1850.

CHAPTER 432.

AN ACT declaring Tom's creek, in Johnson County, a navigable stream.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Tom's creek, in the county of Johnson, from its mouth up as far as James Ramy's, Esq., is hereby declared a navigable stream, and any person obstructing said stream within the above named points, than is provided for by this act, hereafter, shall be amenable to the laws now in force against obstruction of navigable streams in this Commonwealth.

SEC. 2. This act shall in no wise interfere with the mills or dams, now across said Tom's creek, provided they are built no higher.

SEC. 3. Adam Bowen is hereby authorized to rebuild his mill dam across said Tom's creek, at the site owned and heretofore occupied for a mill dam, provided he does not build said mill dam higher than the preceding one was. All laws coming within the purview of this act are hereby repealed.

Approved March 6, 1850.

CHAPTER 437.

1850.

AN ACT concerning the County Court of Bath.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the officers superintending the election, at the different election precincts, to open a poll at the next August election in the county of Bath, at which all the qualified voters of said county may vote for or against the levying a tax of ten cents upon each one hundred dollars worth of property, taxable under the revenue laws of this State, to be applied to the construction and completion of the Owingsville and Sharpsburg Turnpike Road; and if a majority of those voting at said election, for or against said additional taxation, the county officers shall proceed to levy and collect the same, in the same manner that taxes for revenue purposes are now levied and collected, and the same pay over to the President of said turnpike road; and in case of the failure of the Sheriff to pay over the sum thus collected, by the second Monday in January, 1851, the President of said road may proceed against him and his securities, by motion, in the Bath County Court, and have judgment and execution as in other cases of delinquency.

Approved March 6, 1850.

CHAPTER 444.

AN ACT to amend the first and second sections of an act to amend the laws concerning Tavern Keepers, approved February 24, 1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person shall hereafter sell, give, or loan, spirituous liquor of any sort or description whatever, to any slave or slaves, other than his own, unless he or she be entitled, for the time being, to the service of such slave or slaves, by contract with the master or owner, without the written order of the owner, or of the person entitled by contract with the owner, for the time being, to service of any such slave or slaves, the person so offending shall forfeit and pay fifty dollars, recoverable by presentment of a grand jury, or by warrant before a Justice of the Peace; and, moreover, if such offender shall have previously obtained a license to keep a tavern, upon conviction, his or her license shall be, *ipso facto*, void, and no such license shall thereafter be granted to him or her by any Court for the term of two years.

Approved March 6, 1850.

CHAPTER 448.

AN ACT to amend the law in relation to Sheriffs' bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the penalty of the bond required by law

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to be executed by the Sheriff of any county, conditioned for the collection and accounting for all officers' fees and dues, for the execution of all process and precepts, for the payment of all sums of money collected under execution, and for the faithful performance of the general duties of his office, shall hereafter be fixed by the Court before which said bond shall be executed, in a sum which, in the judgment of said Court, will be sufficient to secure the faithful execution of the duties of the Sheriff embraced in the condition of said bond: *Provided*, that the penalty of said bond shall not, in any case, be fixed at less than three thousand dollars, the penalty now required by law.

Approved March 6, 1850.

CHAPTER 460.

AN ACT authorizing the construction of an Arsenal for the preservation of the Public Arms.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That for the purpose of preserving the Public Arms, Ambrose W. Dudley, E. H. Taylor, and Philip Swigert, be and they are hereby appointed Commissioners to superintend the erection of an Arsenal, on any ground not less than one half mile from the Capitol, which said Commissioners, with the approbation and consent of the Governor, may select for that purpose.

SEC. 2. It shall be the duty of said Commissioners to cause to be erected a building, for the purpose mentioned in the first section of this act, according to such plans and specifications as they may deem best suited for a building for said purpose—the cost, however, is not to exceed the sum appropriated by this act.

SEC. 3. *Be it further enacted,* That the sum of eight thousand dollars be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of erecting said building; for which a warrant shall be issued by the Second Auditor, upon the requisition of said Commissioners, or a majority of them. And if a vacancy should occur in the commission hereby created, by death or refusal to act, such vacancy shall be filled by the Governor.

SEC. 4. It shall be the duty of said Commissioners to cause said building to be completed, if practicable, during the present year. And it shall be their duty to require any person or persons, with whom a contract may be made for the erection of said building, or any part thereof, to execute bond, with such security as the Governor may approve, for the faithful performance of his or their undertaking; which bond shall be made payable to the Commonwealth of Kentucky, and deposited in the office of the Second Auditor;

and for any breach thereof, an appropriate action may be instituted in any Court of this Commonwealth having jurisdiction.

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Approved March 6, 1850.

CHAPTER 470.

AN ACT to amend the law in relation to the Deaf and Dumb Asylum.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that many of the unfortunate Deaf and Dumb children of this Commonwealth are excluded from the charity of this State by the wording of the law admitting pupils into the Asylum for the tuition of the Deaf and Dumb. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Trustees of the Kentucky Institution for the Tuition of the Deaf and Dumb to receive into said Institution any pupil of this Commonwealth (within the proper ages) who may be Deaf and Dumb; and if the parents, guardian or friends of any such pupil shall fail to make provision to pay for the education and support of such pupil, while in the said Institution, the same shall be paid by the Treasurer of this State, in the same manner and at the same rates as payments are now made for the other pupils in said Institution.

Approved March 6, 1850.

CHAPTER 473.

AN ACT to amend the road laws.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That where any person who has, or shall hereafter make, a motion before the County Court of any county in this State, after giving the necessary notice as now required by law, to discontinue a road established by said Court, upon the failure of said Court to discontinue said road, he or they shall have the right to take an appeal from their decision to the Circuit Court of said county, at any time within two years, by the person or persons, making the motion, entering into bond, with good security, in a penalty sufficient to cover all costs incurred in consequence of said appeal.

Applicants in relation to road to give bond when appeals are taken, &c.

SEC. 2. That when the appeal bond shall be executed before the Clerk of the Circuit Court, that the motion shall stand as an original suit, and the Court shall proceed to hear all legal evidence, both written and parol, for and against said road; and if the Court should be of opinion said road ought to be discontinued, in consequence of said road being of but little benefit to the public, or in conse-

Circuit Courts may discontinue roads under certain circumstances. Appeals may be taken from decision of Circuit Courts, to court appeals

1850.

quence of its being oppressive upon the people to open said road, or in consequence of the impracticability to open said road, or of its inutility when opened, he shall have an order made accordingly, and said road shall be discontinued and set aside, if a new road. Either the party making the motion, or any one who may resist the discontinuance of said road, or who may be effected by its discontinuance, shall have the right to an appeal, or to prosecute a writ of error, to the Court of Appeals.

Approved March 6, 1850.

CHAPTER 495.

AN ACT to amend the charter of the Louisville Bank of Kentucky.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the second section of an act, entitled, "an act to repeal in part the act, entitled, an act to establish the Louisville Bank of Kentucky," approved February 12, 1836, as requires that at least two of the Directors of said Bank, in office at the time of any election, shall be ineligible for re-election for the two ensuing years, be and the same is hereby so amended as to make such Directors ineligible for one year instead of two.

Directors ineligible for one year instead of two.

Sec. 2. That so much of the 9th section of an act, entitled, "an act to amend the charters of the Banks of Kentucky," approved March 8, 1843, as reduces the number of Directors in the Louisville Bank of Kentucky to seven, be and the same is hereby so amended that the number of Directors for said Bank shall hereafter be nine instead of seven.

Bank allowed nine directors instead of seven

Approved March 6, 1850.

CHAPTER 498.

AN ACT regulating divorces.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases whatever, where either party to a marriage contract shall have concealed from the other party to such contract, heretofore entered into, or which may hereafter be entered into, at the time of marriage, any contagious and loathsome disease under which he or she may be laboring; or where such marriage contract has been entered into under duress, by force, or fraud, or where such duress, force, or fraud, has been practiced, or may hereafter be practiced, in the procurement of such marriage, as renders such contract, by the rules of law, void *ab initio*; or where either party to such contract of marriage shall have been guilty of such immoral conduct, or is addicted to such obscene or degrading habits as are

Causes for which a divorce may be granted.

1850.

destructive of the happiness of the parties, or either of them; or where such parties to such contract of marriage, heretofore entered into, or which may hereafter be entered into, shall have separated and lived apart, without any communication whatsoever for the space of five years before the commencement of any suit for a divorce; or where either party to such contract of marriage, heretofore entered into, shall have been guilty of such unbecoming and disrespectful conduct as exposing, unnecessarily, the other to public notoriety and reproach for alleged abandonment in any of the public newspapers or journals of this State by publication, or by other unnecessary and cruel conduct, endeavored to disgrace the same, it shall be lawful for the Judges of the several Circuit Courts of this Commonwealth, upon bill filed by the party so aggrieved or complaining, alleging such facts, or either of them, as above enumerated, to entertain jurisdiction of the same, and to cause a jury to be empannelled and sworn to try the issue in said cause; and if, thereupon, it shall appear by competent proof, that the allegation or allegations so charged, are true, and the jury so empannelled, shall so find the same in their verdict, the Court before whom such suit is pending, shall, thereupon, enter up a decree of divorce upon such verdict, for the party so complaining, restoring him or her to all the rights and privileges of an unmarried person; and in all cases the Court shall have power to change and restore the maiden name of the party so divorced: *Provided however*, in all such cases, the Court shall be satisfied, before granting a divorce, that the defendant has had notice of the pendency of the suit, when a non-resident of this State; and in all other cases the same proceedings shall be had thereon in such Court, as in other causes in chancery; and nothing in this act shall be so construed as to affect the rights of either party to property or alimony, as are now established by law, and in all cases the Court shall have power to decree the same: *Provided further*, that in all suits for divorce, instituted or commenced under the provisions of this act, the defendant may answer or plead to the same, as in other cases at law or equity.

Jury may be
empannelled.

Defendant to
have notice.

Defendants may
answer.

Approved March 6, 1850.

CHAPTER 504.

AN ACT to add Clay County to the Fifteenth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Clay is hereby added to the fifteenth judicial district; and the time of holding the fall term of said court is changed to the second (instead of

1850. the fourth) Monday in November; and the court, at the spring and fall terms, shall continue for twelve juridical days, if the business thereof shall require it.

Approved March 7, 1850.

CHAPTER 508.

AN ACT for the appropriation of money.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following sums of money, not otherwise appropriated, be paid out of the Public Treasury to the several persons named and entitled to the same, viz:

1. To the Speakers of the Senate and House of Representatives, six dollars per day, each, during the present session.

2. To the Clerks of the Senate and House of Representatives, ten dollars per day, each, during the present session.

3. To the Sergeant-at-Arms of the Senate and House of Representatives, twenty eight dollars per week, each, during the present session.

4. To the Doorkeepers of the Senate and House of Representatives, twenty eight dollars each, per week, during the present session.

5. To the Clerks of the Senate and House of Representatives, sixty dollars each, for their services after the close of the session, in preparing the acts for publication, and arranging the books and papers for safe keeping.

6. To the Assistant Clerks of the Senate and House of Representatives, seven dollars per day, each, during the present session.

7. To Baptist Church for use of their bell during the present session, ten dollars.

8. To the Publishers of the "Daily Commonwealth," for the use of their paper during the present session, one hundred and fifty dollars.

9. To the Publishers of the Yeoman paper, for the use of that paper during the present session, fifty dollars.

10. To the Lunatic Asylum, for the support of that institution, eighteen thousand five hundred dollars, one half to be paid on the first day of April, 1850, and the balance quarterly in advance. The Commissioners are required by this act to make all contracts for the necessities of said institution, *cash contracts*; and the Chairman of the Board of Directors, before he receives any part of this appropriation, shall have executed bond in the office of the Clerk of the Fayette County Court, with security, to be approved by the Clerk, in the full amount of the appropriation of this act, conditioned to the faithful appliance of the money to the use of said Asylum.

That the provisions of an act, entitled, "an act requiring a settlement of the accounts of the Lexington Lunatic Asylum," approved February 28, 1849, be and the same are hereby extended, so as to apply to the Commissioners of the "Second Kentucky Lunatic Asylum," whose duty it shall be to pursue the provisions of said act.

1850.

Act for settlement with Lunatic Asylum applied to 2d Asylum.

That it shall be the duty of the Auditor, annually, to report to the General Assembly a statement, in writing, of said settlements, with each of said Asylums.

Auditor to report settlement.

11. To Joseph Gray, for the use of the servant of the House of Representatives, for making fires, &c., during the present session, forty five dollars.

12. To Ben. Selby, Jr., for the use of servant of the Senate, for making fires, &c., during the present session, forty five dollars.

13. To Stephen Shanks, for attendance on back buildings, ten dollars.

14. To Joseph Gray, one hundred and twenty five dollars, to be divided between Revs. Mr. Robinson, Norton, Brush, Lancaster, and Warder, for their services as Ministers during the present session.

15. To the Publishers of the "Old Guard," and "Champion of Reform," twenty five dollars each, for their papers during the present session.

16. To Baker & Anderson for sundries furnished, as per account rendered, nine dollars and eighty cents.

17. To Geo. W. Williams, Chairman of Senate's Bank Committee, expenses of committee paid by him, eighty five dollars.

18. To John Speed Smith, expenses of committee appointed by the Senate to visit the Lunatic Asylum, twenty two dollars and fifteen cents.

19. To Thomas P. Linthicum, expenses of Senate committee appointed to visit the Deaf and Dumb Asylum, thirty eight dollars and seventy four cents.

20. To John C. Breckinridge, expenses of House committee in visiting the Deaf and Dumb Asylum, at Danville, sixty four dollars and thirty one cents.

21. To Walter C. Chiles, as Chairman of the Senate committee appointed to visit the Blind Asylum, at Louisville, twenty dollars.

22. To James R. Watson, for services rendered the committee on Finance, five dollars.

23. To James M. Rice, expenses incurred in visiting Blind Asylum, as a member of Senate committee, thirteen dollars and fifty cents.

24. To Reuben McCarty, Clerk Pendleton Circuit and County Courts, eight dollars, costs improperly adjudged against him in a suit in the General Court.

25. To Henry Clark, and James, servant boys for the Senate and House of Representatives, ten dollars each.

1850.

26. To Albert G. Hodges for making out Index to Journal of the House of Representatives, one hundred dollars.

27. To the Clerk of the Senate for making out Index to Journal of the Senate, one hundred dollars.

28. To Richard Long, Clerk in the Register's office, one hundred dollars for extra services as Clerk in said office.

29. To Newton Craig, for a bucket and two dozen chairs furnished the Senate and Library, thirty seven dollars and seventy five cents.

30. To Doxon & Graham, for sundries furnished to the Senate, six dollars and ninety cents.

31. To the Commissioners of the Cumberland Hospital, fifteen hundred dollars.

32. To William B. Mason, Chairman of the Bank Committee of the House of Representatives, expenses to Louisville and Lexington, one hundred and seventy dollars.

33. To city of Frankfort for Gas furnished the Capitol during the session of the Legislature, fifty two dollars and twenty two cents.

34. To William Veach, for furniture for the Capitol, fourteen dollars and ninety cents.

35. To Edmund Wooldridge, for expenses as one of the committee to visit the Lunatic Asylum, twenty four dollars.

36. To F. A. Boyd, for expenses as one of the committee to visit Lunatic Asylum, six dollars.

37. To Charles Wickliffe, for expenses as one of the committee to visit Lunatic Asylum, nine dollars.

38. To Geo. W. Gwin, account rendered, ten dollars and twenty three cents.

39. To Doxon & Graham, account rendered, two dollars and fifteen cents.

40. To Baker & Anderson, account rendered, twenty two dollars and ninety seven cents.

41. To A. Conery, account rendered, three dollars.

42. To W. J. Wood, for expenses as one of the committee to visit Lunatic Asylum, six dollars.

43. To Johnson D. Beard, as one of the committee to visit the Lunatic Asylum, six dollars.

44. To Joyce & Walston, account rendered, sixty six dollars and forty two cents.

45. To D. H. Smith, F. Kennedy, and John T. Quarles, expenses of visit to Blind Asylum, as House Representatives' committee, sixty dollars.

46. To H. Mordecai, for grading and McAdamizing street on the Northwest side of Capitol Square, fifty four dollars and fifteen cents.

47. To Geo. W. Lewis, for making Index to Journal of the Convention, one hundred dollars.

48. To H. S. Bussey, Jailer of Lawrence county, for reward paid for re-taking a felon who had broke jail, twenty five dollars.

1850.

49. To Geo. W. Gwin, for candles furnished the Capitol, one dollar and twenty cents.

50. To Robert A. Gray, Assistant Sergeant-at-Arms of the House of Representatives, two dollars per day during the session of the General Assembly.

51. To W. A. Stivers, balance due him for the services of his band of music on the occasion of the reception of General Taylor at the Capitol, last winter, ten dollars.

52. To John C. Herndon, Assistant Clerk of the House of Representatives, three dollars per day from 14th February to the end of the session, being extra pay to him for the time he has performed the duties of principal Clerk.

53. To R. D. Harlan, one hundred dollars, for extra services as Librarian during the session of the Convention.

54. That the salary of the Second Auditor shall be two thousand dollars per annum, from and after the 30th of March, 1850, to be paid quarterly as heretofore.

Second Auditor's salary increased to \$2000

55. That from and after the first day of April, 1850, the salary of the Treasurer of this State be increased to fifteen hundred dollars per annum, to be paid quarterly.

Treasurer's salary increased to \$1,500

Approved March 7, 1850.

CHAPTER 510.

AN ACT to provide for running and re-marking a part of the Graves and Hickman county line.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Isaac Bugg and Hercules Hayes, of Hickman county, and William Snow and Bartlet Suit, of Graves county, be and they are hereby appointed Commissioners to run and re-mark a part of the county line between Graves and Hickman counties; who, or any two of them, one from each county, shall, on the first Monday in April next, or as soon thereafter as practicable, together with the Surveyor of Graves county, meet at the South West corner of section six, township three, range one West, and proceed to run North one and a half miles, and plainly mark said line, so that the same can be pursued with certainty; and shall, also, on said line plainly and appropriately mark the two half mile corners, one South and the other North of the township corner on said line.

Approved March 7, 1850.

1850.

CHAPTER 511.

AN ACT to amend the laws on the subject of peddling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the seventh section of an act, entitled, "an act to amend the laws upon the subject of peddlers," approved February 7, 1845, be so amended as to authorize and direct the Clerk of the Jefferson County Court, on application being made by any one to peddle goods, (including clocks,) in said county, outside of the limits of the city of Louisville, to grant the same, by charging as required in said seventh section, on the number of voters in said county outside of said city limits.

Approved March 7, 1850.

CHAPTER 514.

AN ACT for the benefit of Common School District, No. 6, in Hancock county.

WHEREAS, Edmund Cotton, John D. Cotton, and James Standeford, did, on the 30th day of June, 1829, donate and make over in trust for educational purposes to Tho. Wroe, Otho Williams, James Standeford, John D. Cotton, and James Dupuy, of Hancock county, three acres of land in said county; and whereas, the school house erected on said land was destroyed by fire some years since, from which time said land has been of no use for the purposes designed, and probably will not be, unless the same be sold, as the county has been laid off into Common School Districts, and a house, in the District in which said land lies, has been built, or is in progress of erection; and whereas, all the Trustees to whom said land was conveyed (except James Dupuy,) have either departed this life or long since left the Commonwealth, and the said Dupuy being old and infirm, and desirous that said land should be sold and the proceeds applied as contemplated in said deed of donation, which is recorded in the Clerk's office of the Hancock County Court. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James Dupuy be authorized to sell and convey said land, and a deed made and acknowledged by said Dupuy shall effectually pass the title to said land to the purchaser, and the money arising from the sale of said land shall be paid over to the Trustees of Common School District, No. 6, in said county, and shall be used in the purchase of the ground on which the school house in said District stands, or in finishing said school house.

J. Dupuy may
sell land and
convey title, &c.

In case of death
of Dupuy, Court
may appoint
Commissioner.

SEC. 2. That in the event James Dupuy should depart this life before selling and conveying said land, it shall and may be lawful for the Hancock County Court to appoint some suitable person to make said sale and conveyance,

for the purpose herein intended, and a deed made by direction of said Court shall be as good and binding as if done by said James Dupuy.

1850.

Approved March 7, 1850.

CHAPTER 516.

AN ACT supplemental to an act to build an Arsenal for the safe keeping of the public arms.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act of the present session as requires the Arsenal for the safe keeping of the public arms to be built "one half mile from the Capitol," be and is hereby repealed; and the said Commissioners, named in said act, are hereby authorized to select, at their discretion, the most suitable place within the town of Frankfort, or in its vicinity, as to them may seem most eligible, for the location of said Arsenal, and to proceed to the erection of the same as in other respects directed in said act: *Provided,* that if built within the limits of the town, to be built upon the public grounds.

Approved March 7, 1850.

CHAPTER 518.

AN ACT to amend the penal laws.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That if any person shall wilfully, unlawfully and maliciously attempt to burn any dwelling-house, tobacco-house, warehouse, store-house, or any house or place where wheat, Indian corn, or other grain or provender, shall be kept, or any other house or houses whatever, or any stacks, ricks or bulks of hay, fodder, flax, hemp, tan-bark, cord-wood, wheat or other grain, or shall aid, abet, assist, counsel, hire or command any person to commit any of said offences, and shall be duly convicted thereof, such person or persons shall undergo a confinement in the jail and penitentiary house for a period not less than three months nor more than six years, to be fixed by the jury trying the offender or offenders.

Penalty for attempting to burn property, &c.

SEC. 2. If any person or persons shall wilfully and maliciously attempt to poison or administer poison to any other person, such person, his or her aiders, abettors or counsellors, if free, and being thereof duly convicted, shall undergo a confinement in the jail and penitentiary of this State for a period not less than six months nor more than five years, to be fixed by the jury trying said offender; and, if a slave or slaves be convicted of the offences described

Penalty for attempting to poison.

1850. in the first and second sections of this act, be sentenced to receive on his, her or their bare backs any number of lashes not to exceed thirty and nine.

Approved March 7, 1850.

CHAPTER 534.

AN ACT for the benefit of School District No. 11, in Jessamine county, and for other purposes.

Allowance to district No. 11, in Jessamine.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the School Commissioners of Jessamine county, be and they are hereby authorized to draw upon the Common School Fund for the sum of twenty one dollars seventy two cents, for the benefit of School District No. 11, for 62 children taught in said district in the year 1848: *Provided*, that the same has not been heretofore paid.

Districts in Whitley, Laurel, and Rockcastle regulated.

SEC. 2. *Be it further enacted*, That so much of an act, entitled, an act for the benefit of Common Schools in the counties of Whitley, Laurel, and Rockcastle, which allows Commissioners of Common Schools in said counties to lay off districts in said counties, so as not to include less than twenty children of the ages as now prescribed by law, shall not be so construed as to allow said Commissioners to divide and lay off anew a district or districts, out of any district or districts, after a school has been made up or commenced in said district or districts, until the same shall have expired or been abandoned.

Approved March 7, 1850.

CHAPTER 535.

AN ACT limiting the time of bringing suits against heirs and devisees.

Time limited to seven years.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all suits brought against heirs or devisees, in which they are sued separately or jointly with the executor or administrator of the ancestor or testator, for the debt or liability of the ancestor or testator, shall be brought within seven years after the death of any such ancestor or testator, and not thereafter: *Provided, however*, that any such suit may be brought at any time before there has been a division and distribution of the estate of the ancestor or testator, amongst his heirs or devisees.

Scire facias sued out to revive judgments, to be sued out in seven years.

SEC. 2. That all *scire facias* sued out against the heir or devisee, either separately or jointly with the administrator or executor of the ancestor or testator, to revive any judgment or decree against the ancestor or testator, shall be sued out within seven years after the death of any such ancestor or testator, and not thereafter: *Provided*, that any such *scire facias* may be sued out at any time before a di-

vision and distribution of the ancestor's estate and effects amongst his heirs or devisees: *Provided*, that nothing herein contained shall be so construed as to prohibit any suit from being brought, or *scire facias* sued out, until the expiration of three years from the passage of this act: *And, provided also*, that if any of the said actions or suits, brought within the time limited by this act, judgment be given for the plaintiff, and the same be reversed afterwards by appeal or writ of error, or a verdict passed for the plaintiff, and upon matter lodged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his plaint, writ, or bill; that in all such cases the party plaintiff, his heirs, executors, or administrators, as the case may require, may commence a new action or suit, from time to time, within one year after such judgment reversed, or such judgment given against the plaintiff, and not after.

1850.

Three years allowed.

Provision in relation to appeals and writs of error.

Approved March 7, 1850.

CHAPTER 538.

AN ACT to prevent unlawful fishing in parts of the South Fork of Licking river, in Harrison county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be lawful for any person or persons to haul a seine or drag of any description, or stretch a set-net in that part of the South Fork of Licking river, lying between Keith's mill and the mouth of Townsend Creek, where it enters into said South Fork of Licking river, without first obtaining the consent of the owner or owners of the lands adjoining, or including the bed of the stream where such fishing is proposed to be done; and any person guilty of a violation of this act, shall be liable to a fine of three dollars for each and every offence, to be paid by himself, if a free man; if an infant, then by his parent or guardian; and if a slave, then by his master; which may be recovered by warrant before any Justice of the Peace for Harrison county; which fines shall be collected as other fines are, and paid over to the Harrison County Treasurer; which fines shall go in aid of the county levy.

SEC. 2. That the provisions of this act shall not apply to persons living on, or owning land adjoining the river between the points named in the first section.

Approved March 7, 1850.

CHAPTER 544.

AN ACT to amend the law establishing toll gates on the Louisville and Elizabethtown Turnpike Road.

WHEREAS, it is represented to this General Assembly, that the original act incorporating a Company to construct

1850.

a Turnpike Road from the city of Louisville to Elizabethtown prohibited said Company from erecting a gate within a less distance than one mile of said Elizabethtown; and whereas, by an act, approved January 8, 1838, the President and Directors of said Company was authorized to erect a gate and charge tolls within a less distance than one mile, and just where the Hardinsburg road intersects said Turnpike Road. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any person or persons traveling the Hardinsburg road, to pass through said gate without paying toll: *Provided*, that it shall be the duty of the keeper of said gate, in every instance where he does not know, from the residence of any individual proposing to pass said gate, that it is his *bona fide* intention to travel, or has travelled at the time, the said Hardinsburg road, to administer to such person the following oath, to-wit: To a person traveling from Elizabethtown in the direction to Hardinsburg—"You do solemnly swear, that it is your intention, upon passing this gate, to travel the Hardinsburg road; that you have no intention to leave said road and turn into the turnpike road." To any individual passing in the direction to Elizabethtown, and professing to have traveled the Hardinsburg road—"You do solemnly swear, that you have traveled, on this day, on the Hardinsburg road, and that you have not turned out of the turnpike road and passed into the Hardinsburg road for the purpose of avoiding the payment of toll." The privilege to pass free of toll under the provisions of this act shall only apply to such persons as may reside in the county of Hardin, and passing said gate on horse back.

Approved March 7, 1850.

CHAPTER 545.

AN ACT to amend the law in relation to appeal bonds, in cases of appeals from judgments of Justices of the Peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shall be the duty of the Clerk of the Court, County or Circuit, (as the case may be,) to which an appeal may be taken from the judgment of a Justice of the Peace, to take bond, with approved security, in a reasonable sum, of the appellant or appellants, (whether plaintiff or defendant, before the Justice,) which bond shall contain a condition as follows: "The condition of this obligation is such, that whereas the said A. B. hath obtained an appeal from the judgment of E. F., a Justice of the Peace to the ——— Court: Now, should the said A. B. well and truly pay and satisfy the judgment of said Court, provided he is unsuc-

Condition of
Bond.

cessful in this appeal, then this obligation to be void, otherwise to remain in full force and virtue in law.

1850.

Sec. 2. *Be it further enacted*, That where the appeal shall be taken by the defendant, no partial success, such as reducing the judgment of the Justice, shall be so construed as to release the appellant or appellants, his, her, or their security or securities, from liability on the bond, so long as the judgment of the Court, (to which the appeal was taken,) or any part thereof, remains unpaid: *Provided, however*, that the surety or sureties in any such appeal bond shall be released from all liability therein, as is provided for the release of sureties in appeal bonds by the first section of an act, entitled, "an act limiting actions against sureties," approved February 8, 1838.

Liability of
defendants, on
bond.

Sec. 3. *Be it further enacted*, That when an execution shall have been issued upon any such judgment, and duly returned by the proper officer to whom the same may have been directed, (in substance,) that he can find no property out of which to satisfy said execution; or, when said officer shall return that any part of said execution (which may remain unpaid,) cannot be made, it shall be lawful for the appellee or appellees, his, her, or their executor or executors, administrator or administrators, to bring suit upon said bond, and recover of the appellant or appellants, his, her, or their security or securities, executors or administrators, whatever amount may be due and owing upon the judgment of said Court, together with all such costs and damages as may originate thereon.

Suits and re-
covery on bonds

Approved March 7, 1850.

CHAPTER 553.

AN ACT to amend the charter of the Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the twenty eighth section of the charter of said Bank, approved 22d February, 1834, be and the same is hereby repealed: *Provided, however*, that it shall and may be lawful for the Legislature, hereafter, to re-enact said section, to take effect five years after its re-enactment.

Approved March 7, 1850.

CHAPTER 555.

AN ACT to extend the terms of the Carter Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Carter Circuit Court shall continue twelve juridical days, (instead of six,) should the business thereof require it.

Approved March 7, 1850.

1850.

CHAPTER 560.

AN ACT concerning Ferries in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Mayor and Council of the city of Louisville, or any other person owning a ferry privilege or franchise in said city, may land their ferry boats at any points within said city, where they own or may have a lease on the ground on which such other landings are made.

Approved March 7, 1850.

CHAPTER 569.

AN ACT giving additional power to the Madison County Court.

WHEREAS, the Madison County Court, by appropriate proceeding, has undertaken and now has in progress of erection a new Court House for Madison county, which will cost more money for its needful and speedy completion than can be conveniently and justly raised from the current resources. Therefore,

County Court
may levy ad va-
lorem tax.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Madison County Court, a majority of all the Justices being present, be and it is hereby authorized and required to lay an *ad valorem* tax, not exceeding eight cents on each one hundred dollars worth of the property of the citizens of said county, subject to revenue tax; and said tax shall be collected in the same manner and upon the same terms, by the Sheriff of the county, as the revenue tax, and according to the assessment in the Commissioners books of said county; and shall pay the same, on or before the 20th of December in each year, to such person or persons as said County Court may direct.

No levy to be
made on slaves,
limit of poll tax.

SEC. 2. That no levy shall be laid or collected on slaves, nor shall a larger levy than one dollar be laid on white tythes by said Court.

County Court
may borrow
money.

SEC. 3. That said County Court, through their building committee, (William Rodes, Joseph Turner, and James M. Shackelford,) be and it is hereby authorized to borrow four thousand dollars: *Provided*, said building committee shall not pay more than six per cent., per annum, for the sum of moneys so borrowed; and the Madison County Court shall, from time to time, levy upon the tythes of said county, (slaves excepted,) and assess a tax on the property of the citizens thereof, as in the first section of this act provided for, until the four thousand dollars, hereby and herein authorized to be borrowed, shall be fully paid, and the said Rodes, Turner, and Shackelford indemnified therefor and held harmless.

Act continued
in force until
debt paid.

SEC. 4. That the provisions of this act, except the power to borrow money as given in the third section, shall continue

in force until the expenses incurred, and to be incurred, in building said Court House, shall all be fully paid and discharged.

1850.

SEC. 5. *Be it further enacted*, That the County Court of Madison county, is hereby authorized and required, at the April or May term next, to change the order made at the November last, laying and fixing the county levy for the year 1850, and re-lay the same according to this act.

Court to annul present levy & lay another.

Approved March 7, 1850.

CHAPTER 570.

AN ACT to authorize the construction of Plank, Stone and Gravel Turnpike Roads in this Commonwealth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, it shall be lawful for any five or more persons to unite in a company to construct a plank, gravel or stone turnpike road within or through any county, or part thereof: *Provided*, notice be given thereof in at least one newspaper published in such county, and if there be no such paper, then in the newspaper having the largest circulation in such county; which said notice shall designate the route and termini of said road, the time and places where the books for subscription of stock in the same will be opened, and the names and residence of said persons, and shall be published at least one month by successive weekly insertions in said papers, as aforesaid, before the time of opening said books. And when stock in such road, to the amount of five hundred dollars for each mile of road to be made, is in good faith subscribed, then the persons, thus subscribing stock, may, after due and proper notice, meet together and elect at least three of their number to act as President and Managers of the business affairs of such contemplated road; and the subscribers of stock shall enter into and subscribe their names to articles of association, which articles shall set forth the name of such company, the object thereof, the route, and kind of road to be made by them, the amount of capital stock of said company, the number of shares into which the said stock shall be divided, the number of Managers, and their names, selected to manage the affairs of said company for the term of one year, or until their successors are elected and assume upon themselves their duties, the names of each subscriber, his residence, and the number of shares subscribed by him.

How companies may be organized to construct plank, gravel, or stone turnpike roads.

SEC. 2. That, at the time of subscribing or execution of said articles of association, it shall be the duty of each party thereto to pay into the hands of said President and Managers at least five per cent. on the amount of stock thus subscribed by him or her, respectively; and after the

Amount to be paid on stock, & duty of managers.

1850.

Articles of association to be filed in Secretary State's office

payment thereof, in good faith, it shall be the duty of said Managers to cause to be filed in the office of the Secretary of State said articles of association, together with an affidavit of said Managers of the fact that said five per cent. on the stock of said company has, in good faith, been received by them as before required; which said articles and affidavit shall be recorded in said office; and thereupon said association of persons shall become a body corporate, by the name set forth in said articles, and as such shall be known and styled in all contracts or suits to which they are parties, and as such may sue or be sued in any court of competent jurisdiction, contract or be contracted with, to have a corporate seal, &c., which they may alter or change at pleasure; and a copy of said articles and affidavit, thus filed and recorded, certified by said Secretary or his assistant, shall be evidence for or against said company in any suit hereafter pending in any court where the said company are parties.

What proceedings necessary to procure right of way.

SEC. 3. That when, hereafter, any such company shall desire to construct any road, as aforesaid, they shall present said articles, certified as aforesaid, to the court of the county in which said road is to be made or pass; and upon petition, in writing, presented to said court in behalf of said company, it shall be the duty of such court to appoint three or more competent persons as commissioners, (one of whom shall have skill or experience in the science of civil engineering,) whose duty it shall be to view and survey (under the obligation of an oath administered by some Judge or Justice of the Peace) the route for the contemplated road, noting in said view and survey the advantage and disadvantage said road may be to the county or counties through which it may pass, or the lands of individuals over which the right of way may be required; said commissioners shall have power to hear and receive propositions from any such individual owners of land their assent, in writing, to said company of the right of way; and in the event said route of road should pass over the land of any person or persons who are unwilling, or fail from any cause, to grant the right of way, as aforesaid, then it shall be the duty of said commissioners to notify such owners, their agent or guardian, if within the said county, of the time and place they will meet on such land for the purpose of hearing proof touching the advantage and disadvantage the contemplated road will be to the land of such person refusing or failing in assent, which said notice shall be at least ten days before the time of meeting; and if said owners, agent or guardian are non-residents of the county or State, then said notice shall be published in a newspaper of said county, or in such paper as may have the largest circulation therein, as recited in the first section hereof; after such notice executed, it shall be the duty of

said commissioners to estimate the fair and reasonable value of such right of way and land needful for said road, having an eye to the said proof and their own observation; and their valuation, together with all other matters attending said view and survey, shall be reported by them to the said court.

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Sec. 4. Whereupon, said court shall cause to be empannelled a jury of twelve discreet and prudent house-keepers of said county, who are in no wise related in interest or feeling for or against said company or the owner of such land to be condemned for said road; which said jury, thus selected by the parties and court in the usual form, shall, under oath in the usual form in such cases, hear all evidence, either oral or written, touching the damage or injury to any such land needed for said road, and which has not or cannot be rendered up to the use of said company, as aforesaid; and should the owner of such land, thus to be condemned, be an infant, *feme covert*, insane, or non-resident of the Commonwealth, then, and in that case, it shall be the duty of said court to appoint some person, not adverse in interest or feeling to such owner, to superintend said trial in their behalf, in order that justice may be done him or her in said condemnation; and the person thus appointed shall have the right to represent such owner in said court, and shall receive a reasonable compensation for his service, to be fixed by the court and paid out of the amount of damages assessed by said jury or by said company, as the court may order. If said jury, after mature deliberation, should be of the opinion that such owner is entitled to damage, they shall fix the amount thereof in their verdict, in due and proper form; which verdict, when signed by each of said jury, shall be returned in court and entered on the order book thereof. In the progress of said trial of condemnation, said court shall have full power to continue or suspend said trial, at the instance of either party, and grant a new trial after verdict, as in other cases; and if said company elect to abide by said verdict, they shall, within ten days, pay to the Clerk the amount of said verdict, for the use of such owner, and likewise the cost of such trial, as fixed by said court; and such owners, or their attorney, appointed as aforesaid, may prosecute a writ of error or appeal, as in other road cases, but such writ of error or appeal shall not supercede the action of such company in the construction of said road over the land thus condemned. The Commissioners, appointed as aforesaid to view and survey said route of road, shall be allowed two dollars per day and their reasonable expenses while thus engaged; and the said jury shall be allowed, each, one dollar per day while engaged in said trial; which sums, respectively, are to be paid by said company, and taxed in the bill of cost by the Clerk of said court, and collected by

Duty of County Court when land or materials are wanted for the road.

[Jury may assess damages.

Pay of Commissioners.

1850.

order of attachment of said court, in the event payment thereof is refused.

County Court shall have power to grant right of way after return of verdict of jury.

SEC. 5. After the return of said verdict, as aforesaid, or in the event there is no refusal or failure of the owners of land to assent to the construction of said road, as may be manifested in the report of said Commissioners, the said court, a majority of all the Justices concurring therein, shall have power to grant to the said company the right and power to construct said road, as contemplated within such county, as set forth in the articles of association and report of said Commissioners; and should said route pass over the track of any county or State highway, said court shall have full power to grant the use thereof to said company, on such terms and conditions as may be deemed by them most to the interest of such county; and, in order to prevent all fraud or bad faith in said survey or valuation, the said Commissioners shall not be stockholders in said company, nor shall they, or either of them, reside or be interested in any land within three miles of the line of said road; and in the event said right of way and land needed therefor, as aforesaid, should be granted by said court, then, and in that event, said articles of association, together with said survey, valuation, and grant by the County Court of the right of way, &c., shall be recorded by the Clerk of said court, and his certificate thereof shall be evidence of the right and power of the said company to construct said road, in accordance with the plan of association.

Other turnpike or railroad companies may sell or transfer their roads to companies organized under this act.

SEC. 6. Any incorporated turnpike or railroad company within this Commonwealth, in which the State has no interest, are hereby vested with full power to sell or transfer all or any part of their respective roads to any of the companies hereby incorporated, upon such terms and conditions as they may deem right and proper, and may, provided a majority of their stockholders assent thereto, subscribe stock to such new association; and any city, town or county within this Commonwealth may subscribe for stock in any such association: *Provided*, a majority of the citizens of such city, town or county, by popular vote in the usual way, manifest their assent thereto; which stock, thus subscribed, shall be done in the name of the President and Directors of any turnpike or railroad, and by the Mayor or Trustees of any such town or city, or on the part of the County Court of any such county, acting through its chief Judge or Justice.

Companies incorporated under this act to have perpetual succession.

SEC. 7. That said private corporations, hereby created to construct plank, gravel or stone roads, as aforesaid, shall have perpetual succession, and be capable of holding, by purchase or otherwise, land and other material or property needed for said road, and changing or disposing of the same in such way and form as they may deem right and proper in the management of their respective roads. Af-

ter the return of said Commissioners' report, and the action of the court thereon, granting the right of way and condemnation of land and material for said contemplated road, the said company may proceed to locate and construct their said road of plank, gravel or stone, the grade of which not to exceed in width sixty feet, where the land is condemned or obtained otherwise than by voluntary transfer by the owner thereof to said company; said road shall be made in such way as to secure and maintain a smooth and permanent road, not exceeding five degrees in elevation, and the main track or tracks of which shall be of timber, plank, or other hard material, so as to form a hard and even surface for travel, and shall have good, easy and convenient embankments of earth, suited as turnouts for the passage of wagons or other vehicles, to go on or off said track at the intersection of other roads, or when two wagons or vehicles are going in opposite directions on said track. Said road shall have all needful side drains and culverts, suited to the drainage of all water from the sides or bed of said road; the said road shall have all needful bridges for the passage of all creeks and small streams of water crossing its line; each and every part of said road, whether made of plank, gravel or stone, shall be done after the most approved plan of such road, and constructed of the best material that can be procured within convenient distance of said road, the great object being to afford the public a safe, easy, speedy and convenient mode of travel and the transportation of their surplus products to market, and at the same time yield a small dividend to the stockholders, to remunerate their outlay, and interest thereon, and keep said road in repair.

Sec. 8. And, in order to secure these objects, it shall be the duty of said company, through their President and Managers, as aforesaid, to notify said County Court, after four miles or the entire line of road is finished, as aforesaid, that the same is thus completed; and thereupon it shall be the duty of said court to appoint one or more members of its body, who, with the aid of a competent civil engineer, not any wise interested in said company as stockholder, shall go on said road, in whole or part thus finished, and carefully examine the same; and in the event they should be of the opinion said company have constructed said road, or four miles thereof, in such manner as described in the seventh section of this act, then and in that event said opinion shall be entered on the record book of said court, and an order shall be made by said court, granting to said company the right to open said road, or the four miles thereof thus finished, for public travel; and such proceeding may be had, in like manner, by said company, under the action of said court, until the entire line of road is finished.

Sec. 9. That after said road is thus opened, in whole or in part, for travel, the said company may erect toll-gates

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When companies under this act may proceed to locate road.

How roads to be constructed.

President and managers to submit road when completed to County court.

May erect toll gates—and rates of toll.

1850.

on said road within not less than five miles of each other, and may demand and receive, by themselves or agents, toll of and from each and every person or persons using such finished road; and said company, or their agents, shall have full power to stop the travel of man, beast, or any kind of carriage on said road, thus finished, until the payment of toll after the following rate, to-wit: for every twenty head of sheep, hogs, or other small stock, one cent per mile; for each head of cattle, one-half cent per mile; for every horse, mule, ass or jenny, and other animal of the large kind, one cent per mile; for each pleasure carriage drawn by one horse, two cents per mile; for each pleasure carriage drawn by more than one horse or mule, one cent per mile for each additional horse or mule; for each public stage, hack, or omnibus, drawn by two horses or mules, carrying more than four passengers, five cents per mile, each; for each public stage, hack, or omnibus, drawn by four horses, eight cents, each, per mile; for each cart, wagon, or other conveyance, drawn by one horse or mule, or two oxen, two cents per mile, and for each additional horse or mule, or two oxen, one cent per mile; and for each cart, wagon, or other vehicle, on return trip, when empty, one-half of the aforesaid rates; and in no event shall said company, hereby incorporated, charge or receive rates of toll to a greater amount than ten per cent, on their capital stock paid in—the cost of repair, superintendence, &c., of said road being deducted. And, in order to create a sinking fund to re-construct said road, said company have the power to invest a portion of the tolls received in some safe and profitable fund or stock for that purpose; but said company are prohibited from adding to their capital stock, unless by Legislative action of the General Assembly, or such manner as hereinafter named.

— Capital stock,
how and when
to be paid.

SEC. 10. The President and Managers of said company, when organized as aforesaid, shall have full power to fix the amount of the capital stock required to construct any such road, at the time the articles of association are executed; they shall, from time to time, have power to fix the amount or sum to be paid in on stock subscribed, and demand payment thereof; and in the event payment is refused or not made, said Managers shall have power to declare a forfeiture of the stock thus subscribed, and retain the amount thereof paid in, for the use of said company, and suffer said stock, thus forfeited, to be taken by other persons or companies. The said Managers, or a majority of them, shall have full power to transact the business affairs of said company; to appoint one of their body as President thereof; also to appoint a Treasurer, who may act as Clerk; Gate Keepers, Civil Engineers, Superintendents, and all other officers they may deem right and proper to aid in the construction and management of said road; they

Business affairs
of Company—
how and by
whom managed.

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shall have power to take and receive any bond from any such officer they may deem right, in order to secure a faithful discharge of their respective duties; they shall cause to be kept a fair record of their action in regard to said road, and at the end of each six months, or oftener, if required, render to any stockholder an inspection of the books and affairs of said company; they shall, at the end of each six months after said road, or any part thereof, is opened for travel, as aforesaid, cause to be made a fair estimate of the profit and loss of said company, and divide and pay to each stockholder any dividend declared in his favor, arising from toll, less the cost of repair, superintendence, &c.

SEC. 11. The shares of stock in said road company shall be deemed personal estate, and transferable according to the rules prescribed by said Managers; and said Managers are hereby empowered to make and publish such rules and regulations, not inconsistent with the constitution or laws of this Commonwealth, for the management of said road and its business affairs, as they may deem proper, from time to time; and if, at any time hereafter, before the completion of any contemplated road under this act, it shall be found the capital stock thereof is not sufficient to complete the same, said Managers, a majority of the stockholders concurring therein, may increase the capital stock in such way as not to exceed seven thousand dollars for each mile of road made or to be made; and no company, acting under this act, shall at any time commence the construction of any road upon a greater capital of stock than at the rate of seven thousand dollars per mile of road intended to be made, and as much less as they may think proper for the object in view.

President and managers may make rules and regulations.

SEC. 12. The said Managers shall cause to be made to the Secretary of State an annual report of the condition and business affairs of said company. In case of the death, resignation, or removal from the county, of any of said Managers, their place shall be filled by a competent person selected by the remainder; and the person so selected shall continue in office until a successor is elected by the stockholders, as aforesaid. And upon the motion or petition of such Managers, made to the County Court within which any portion of said road may be made, such court, a majority of all the Justices concurring, shall have the power to change, alter or modify the tariff of tolls fixed by this act, in such way as may aid said company, and at the same time serve the public or county interest in relation thereto. Any company acting under this act, who may at any one time, for the space of four days, suffer said road, or any part thereof, to become unfitted for public travel, to be judged of by the court of the county within which it may, in part or whole, be located, shall not be allowed to demand toll for travel thereon while in that condition

Managers shall cause annual report of business to be made to Secretary State.

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Proceedings
when road is
out of repair.

and in the event said road, or any part thereof, is suffered by the Managers thereof, through negligence and want of proper care, to be and continue for the space of one month unfit for public travel, as aforesaid, then and in that event any person who may deem himself injured thereby, may, by bill or petition in the Circuit Court of the county in which said road is out of repair, in the name and behalf of the Commonwealth of Kentucky, proceed in the usual form, in order to procure a forfeiture of the charter of said company; and said court shall have full power and jurisdiction to declare said charter forfeited, and the rights of said company therein void and of no effect; and either party to said proceeding may have the right of appeal or writ of error to the Supreme Court.

Approved March 7, 1850.

LAWS OF KENTUCKY.

PASSED AT DECEMBER SESSION, 1849.

JOHN J. CRITTENDEN, GOVERNOR; JOHN L. HELM, LIEUT. GOVERNOR
AND SPEAKER OF THE SENATE; THOMAS W. RILEY, SPEAKER OF THE
HOUSE OF REPRESENTATIVES; JOSHUA F. BELL, SECRETARY OF STATE.

LOCAL AND PRIVATE LAWS.

CHAPTER 1.

AN ACT for the benefit of Isaac Monson and wife.

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WHEREAS, it is represented to this General Assembly, that Nancy Monson, wife of Isaac Monson, of Nicholas county, is seized, of her own right, of title to a certain piece, or tract, of land in said county, derived by descent from her father, Samuel Miller, deceased; and, also, to a certain other piece, or tract, of land, in said county, conveyed to said Nancy and her sister, Elizabeth Miller by Mitchell Miller; and that the said Nancy is an infant, about nineteen years of age, and that her husband, with her assent, has made sale of her interest in said lands to one Wm. Parker, and the sale is greatly advantageous to the said Nancy Monson. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That power and authority is hereby given to the said Isaac Monson, and Nancy his wife, to convey all her right, interest, and title, in said lands to the said William Parker; and such conveyance shall be as effectual and binding on the parties as if the said Nancy Monson were twenty one years of age.

THOMAS W. RILEY,

Speaker of the House of Representatives.

JOHN L. HELM,

Lt. Gov. and Speaker of the Senate.

Approved January 11, 1850.

J. J. CRITTENDEN.

By the Governor,

JOSHUA F. BELL, *Secretary of State.*

CHAPTER 2.

AN ACT for the benefit of James M. Allen, a lunatic.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John Allen and

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Cyrus K. Allen, of Cumberland county, or either of them, to file their petition in the Cumberland Circuit Court, setting forth the necessity for a sale of the interest of James M. Allen, a lunatic, of said county, in a tract of land, containing about 294 acres, conveyed to said lunatic by John Allen; and if it shall appear to the satisfaction of the Court, that the sale of said lunatic's interest will redound to his benefit, said Court is hereby authorized to decree its sale, in such manner as the justice and equity of the case shall require, taking bond, with good security, for the faithful application of the proceeds of the sale of said interest; said land lying and being in the county of Cumberland.

Approved January 11, 1850.

CHAPTER 3.

AN ACT to repeal an act, entitled, an act to regulate the public roads in the county of Bullitt, approved February 19, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, entitled, an act to regulate the public roads in Bullitt county, approved February 19, 1849, be and the same is hereby repealed; and the general laws of this Commonwealth, in relation to public roads, be and the same are hereby declared to be in full force in said county.

Approved January 11, 1850.

CHAPTER 4.

AN ACT regulating the county levy of Bullitt county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, it shall not be lawful for the County Court of Bullitt county, when the Justices thereof proceed to lay the county levy for said county, to exceed the sum of one dollar for each tytheable person in said county.

SEC. 2. That the act, entitled, an act to restrict the County Courts in laying their levies, and the mode of letting their public buildings, approved December 21, 1821, be and the same is hereby repealed, so far only as it relates to Bullitt county, and refers to and relates to the manner of laying levies.

Approved January 11, 1850.

CHAPTER 5.

AN ACT for the benefit of George Harp's heirs.

WHEREAS, it is represented to the General Assembly, that

it would be to the interest of the infant heirs of George Harp, deceased, that two slaves belonging to them, named Sam and Willis, be sold, to prevent the danger of being killed on account of the odium against them in the neighborhood, or of their running off to escape said danger. Therefore,

1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the guardian of said infant heirs be authorized to sell said slaves, at public auction, at the Court House door in Lexington, on the Monday of the January County Court for the present year, notice of the time, place and terms of sale being given by advertisement in a newspaper published in Lexington, by two insertions, on a credit of four months—the purchaser giving bond, with good security, for the purchase money.

Approved January 11, 1850.

CHAPTER 6.

AN ACT for the benefit of the Newport Cemetery.

WHEREAS, it is represented to this General Assembly, that the city of Newport has purchased ground for a city Cemetery, and laid out the same into avenues, sections, and lots, for the purpose of selling the same for the interment of the dead; and it is desirable that said grounds should be disposed of with as little cost and trouble as possible. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Clerk of the city of Newport shall keep, in his office, a book or books for the recording of all deeds of conveyance for Cemetery lots in said Cemetery, which record is hereby declared a public record; copies of which, certified by the Clerk, and sealed with the seal of said city, shall be evidence of the matters therein contained in all the Courts of this Commonwealth.

SEC. 2. The signature of the President of the Common Council of said city of Newport, for the time being, done in open Council, shall be deemed full and sufficient signing and acknowledgment of the deed on the part of said city; and the certificate of the City Clerk to the fact that it was signed by the President in open Council, shall be deemed sufficient evidence of the fact; which certificate shall be endorsed on the deed by the Clerk, and recorded with the same; and it shall not be deemed necessary or proper to record any deeds to said Cemetery lots in any other office than that of the said City Clerk of Newport; and the said President and Common Council are hereby given full power to fix and regulate the fees which shall be allowed to the Clerk for his services in these matters, as well as the fees of the Mayor for affixing the city seal, &c.

Approved January 11, 1850.

1850.

CHAPTER 7.

AN ACT for the benefit of B. F. Hatcher and wife, and Simeon Cowherd and wife.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the Green Circuit Court, upon the petition or petitions of Benjamin F. Hatcher and Mary B., his wife, and Simeon Cowherd and Martha F., his wife, for themselves and for their respective children, (such petition or petitions being sworn to,) may decree a sale of the tract of land, situate and being in Green county, or so much thereof as may be deemed by said court for the interest of said parties, the same being willed to the said Hatcher and Cowherd, in trust for their said wives and children, by Adam Mitchell, deceased, by his will now of record in the Clerk's office of the Green County Court: *Provided*, that it shall appear, by the statements of the said petition or petitions, and oral or written testimony, that it will redound to the advantage of the wives and children of said Hatcher and Cowherd for such sale to be made.

SEC. 2. That the Judge of said court may make a decree re-investing the whole, or a part, of the purchase money arising from said sale, in such other lands or estate as may appear most to the advantage of the said Mary B. Hatcher and Martha F. Cowherd, and their children; and in all orders and decrees made by him, he shall require such security to be given by those whom he shall appoint to execute the same, as in his discretion deemed proper.

SEC. 3. That in case said Judge shall not decree a re-investment of the proceeds of sale, but that the fund shall be kept at interest, or otherwise appropriated for the benefit of said Mary B. Hatcher and Martha F. Cowherd, and their children, it shall be in his power to appoint a Trustee or Trustees for them, or direct the said proceeds of sale to be delivered over to the said Trustees appointed by said will, who shall have the care and management of said fund; and may require said Trustee or Trustees to give such security for the faithful discharge of his or their duties as, in his discretion, he may deem advisable.

Approved January 11, 1850.

CHAPTER 8.

AN ACT for the benefit of the estate of John D. Locke, a Lunatic.

WHEREAS, it is represented to the General Assembly, that a portion of the slaves belonging to the estate of John D. Locke (who has been, by a regular proceeding in the Jefferson Circuit Court, found a lunatic,) are now confined in the jail of said county, they having been apprehended as runaways in the State of Indiana, and as by

turning them loose they will, perhaps, prove a total loss to said estate. For remedy whereof,

1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Jefferson Circuit Court be and he is hereby authorized and empowered, upon petition filed and satisfactory evidence produced, to direct Edward D. Hobbs, committee of said John D. Locke, (or such person as may be acting as committee at the time he may make his decree,) to sell, convey, and deliver, to the purchaser or purchasers, said runaways now confined in jail as aforesaid, (named Gus and Reuben,) and invest the proceeds of such sale in such way as said Judge shall deem best for the interest of said lunatic, and his estate; and said Judge may, in like manner, on petition filed and satisfactory proof being made that the interest of said lunatic, or his estate, would be promoted thereby, order the sale of any or all of the slaves of the said Locke, by his committee, and invest the proceeds of such sale or sales as may be made under such decree or decrees, in such way as said Judge shall, from time to time, direct. The said Hobbs, or other committee, shall be required, in all cases, to execute bond, with approved security, to the Commonwealth of Kentucky, for the benefit of said Locke's estate, for the faithful performance of the duties and investments of the proceeds of such sale or sales, in such penalty as said Judge may require

Court may decree sale on petition filed by committee.

Approved January 11, 1850.

CHAPTER 9.

AN ACT for the benefit of the Sheriff of Union County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Union County be and he is hereby authorized to return his delinquent list, for the year eighteen hundred and forty nine, to the County Court to be held in said county in the month of February, eighteen hundred and fifty..

Approved January 11, 1850.

CHAPTER 11.

AN ACT for the benefit of James Ewing, of Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Ewing, of Grant county, be and he is hereby authorized and permitted to act as deputy sheriff and collector of revenue and county levy within said county of Grant, if duly appointed to said office, for two years from and after the first day of January, 1850; and that he shall be and is hereby exempt from the disa-

LAWS OF KENTUCKY.

1850. bility imposed on Commissioners of Tax by the act, entitled, "an act concerning the office of Sheriff," approved February 9, 1835.

Approved January 12, 1850.

CHAPTER 12.

AN ACT for the benefit of the Sheriffs of Madison, Rockcastle, Floyd and Hopkins counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Sheriff of Madison county be and he is hereby allowed until the tenth day of February next to pay in the revenue tax for 1849 of Madison county, without incurring any fine, penalty, or forfeiture, now imposed by any of the revenue laws now in force: *Provided*, the securities of said Sheriff shall file their assent in writing with the Second Auditor consenting to the provisions of this act.

SEC. 2. *Be it further enacted*, That the provisions of this act shall apply to the Sheriffs of Rockcastle, Floyd, and Hopkins counties.

Approved January 12, 1850.

CHAPTER 14.

AN ACT to change the name of Jerome Hawthorn, and for other purposes.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that M. J. Worters, of Ballard county, is desirous that his natural son, Jerome Hawthorn, should be legitimized and made capable of inheriting, &c. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Jerome Hawthorn be changed to that of Jerome Worters, and is hereby declared entitled to the same rights and privileges, and made capable of inheriting property in the same way as though he had been born the son of the said M. J. Worters, in lawful wedlock.

Approved January 19, 1850.

CHAPTER 15.

AN ACT changing the name of Rebecca G. Redd, of Knox county, to Rebecca G. Dickinson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Rebecca G. Redd, of Knox county, be and the same is hereby altered and changed to Rebecca G. Dickinson, her maiden name.

Approved January 19, 1850.

LAWS OF KENTUCKY.

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CHAPTER 16.

1850.

AN ACT allowing an additional Constable to Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Constable is hereby allowed to Cumberland county, who may reside on the South side of Cumberland river in said county, and within four miles square of the residence of Zebulon Norris, Esq.

Approved January 19, 1850.

CHAPTER 17.

AN ACT to amend an act, entitled, an act to amend the charter and laws of the town of Newport, approved February 5, 1849.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That, hereafter, instead of the seven per cent. being allowed to the Marshal of the city of Newport for the collection of the special tax mentioned in the ninth section of the act, to which this is an amendment, he shall be allowed for collecting said tax, without sale, three per cent.; and in case he shall sell the real estate, as directed in said act, he shall be entitled to receive six per cent. on the amount so collected by sale; and the percent., herein allowed to the Marshal, shall be collected by him of the person or property to which said tax is chargeable, in the same manner, and at the same time, that said taxes are: *Provided,* that nothing in this section shall apply to the collection of the revenue tax, or the tax which may be levied for lighting the city, or furnishing it with water.

SEC. 2. That it shall be the duty of the City Clerk, as soon as the special tax shall be assessed for the improvement of the streets, alleys, &c., as provided for in the said ninth section of said act, of February 5, 1849, to hand over the tax bills to the Treasurer of said city; and it shall be the duty of said Treasurer, immediately upon receiving said bills, to post up notices at three public places in said city, stating therein that such tax is due and payable to him, and if not paid within ten days from the date of said notice, that said bills will be placed in the hands of the Marshal for collection.

SEC. 3. That the time for returning the tax bills by the Treasurer of said city, and the adding of the fifteen per cent. mentioned in the first section of the said act, of February 5, 1849, shall be extended one month; and instead of the Marshal being required to make return and settlement on or before the first Monday of September, as now directed by the fourth section of said act, he shall have until the first Monday of October, in each year, to make such return and settlement.

SEC. 4. That, hereafter, all process issued by the Mayor of the city of Newport, under the ordinances of said city,

1850.

shall run in the name and style of the city of Newport ; and all recognizances entered into with all and every proceeding before said Mayor, which by law is now authorized to be done in the name of the President and Common Council of the city of Newport, shall hereafter be done in the name of the city of Newport.

SEC. 5. That the following tract of land is hereby added to, and made part of, the city of Newport, and subject to all the laws and statutory regulations relating to said city, as now established, viz: beginning on the south line of said city at the south west corner of Monmouth street and said line; thence along said south line in a westerly direction, thirteen hundred and sixty three feet, to Cabot street; thence at right angles with said line, and the south line of Cabot street, extended south thirty nine and a quarter degrees east, twenty two hundred and sixty eight feet; thence at right angles with said south line of Cabot street, in an easterly direction, sixteen hundred and ninety three feet, to the turnpike, or Monmouth street extended; thence along the turnpike, or Monmouth street, to the south line of said city, or place of beginning; it being the same land that has been regularly platted, and a regular map or plat thereof recorded and described on said map or plat as the Buena Vista addition to the town of Newport, due reference being had thereto.

Approved January 19, 1850.

CHAPTER 18.

AN ACT to change the place of voting in an election precinct in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in an election precinct, in Hopkins county, is hereby changed from the house of Christopher Jackson, where it has been heretofore held, to the house lately occupied by F. D. Word, in the village of Charleston, in said county.

Approved January 19, 1850.

CHAPTER 19.

AN ACT for the benefit of Jason W. Baker, of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Jason W. Baker, (an infant,) of Breathitt county, be and the same is hereby changed to that of Jason W. Boling.

Approved January 19, 1850.

CHAPTER 21.

1850.

AN ACT for the benefit of Jeremiah Nesbet, a person of unsound mind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Harrison Circuit Court, upon the petition of said Nesbet's committee, or upon a proper case made out, to render a decree for the sale of said Nesbet's undivided interest in a tract of about fifty acres of land, situate on Indian creek in Harrison county, provided the Court shall be of opinion it will redound to the interest of said Nesbet; and on payment of the purchase money, arising from said sale, to cause a conveyance to be made to the purchaser, and to direct the proceeds of sale to be vested for the use and benefit of said Nesbet: *Provided,* that before the said money is paid over to the said committee, he shall give bond, with good and sufficient security, for the safe keeping and disbursement of the same.

Approved January 19, 1850.

CHAPTER 22.

AN ACT for the benefit of the Sheriff of Bullitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Bullitt county be allowed until the fifteenth day of June next, to pay into the Treasury the sum of nine hundred dollars of the the revenue due from said county: *Provided,* that the securities of said Sheriff in his official bond give their assent in writing to the indulgence herein granted, on or before the first day of April next, which shall be signed and acknowledged by said securities before the Clerk of the Bullitt County Court, and by him filed and kept in his office; and of the execution and filing of which he is required to notify the Second Auditor.

Approved January 19, 1850.

CHAPTER 23.

AN ACT for the benefit of Nathaniel Wickliffe, Jr., and others.

Whereas, Nathaniel Wickliffe, Jr., and Robert L. Wickliffe stand indicted in the Nelson Circuit Court on a charge of murder, and it is desired that they have a change of venue to some other county. Therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the calling of the cause, at the court next succeeding the passage of this act, it shall be lawful for said Nathaniel Wickliffe, Jr. to elect to be tried in the Washington Circuit Court, which election shall be entered of record, and then such proceedings in the

1850.

premises had as are prescribed by the act prescribing the mode for a change of venue in criminal cases, approved 23d of February, 1846.

SEC. 2. That at the next court succeeding the passage of this act, or at any subsequent term of the Nelson Circuit Court, either for the trial of common law cases or a chancery term, upon the said Robert L. Wickliffe surrendering himself into custody, or being in custody, it shall be lawful for said Robert L. Wickliffe to make his election in open court to be tried upon said indictment in the county of Washington, which election shall be entered of record, and such proceedings had in the premises as prescribed by the before recited act: *Provided*, the said Robert L. Wickliffe shall appear and surrender himself into custody of the officers of the Nelson Circuit Court, at or before the August term of said court in the present year; otherwise, this act is to be void.

Approved January 19, 1850.

CHAPTER 24.

AN ACT allowing an additional Justice of the Peace and Constable to the county of Boone.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace and Constable be and is hereby allowed to the county of Boone, both of whom may reside in, or within one half mile of the town of Walton.

Approved January 19, 1850.

CHAPTER 25.

AN ACT to establish an additional Election Precinct in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Election Precinct be and is hereby established at the Store House of S. H. and E. R. Gordon, in the village of Gordonsville, in Logan county.

Approved January 19, 1850.

CHAPTER 26.

AN ACT for the benefit of Thomas Dixon, of Letcher county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for Thomas Dixon, of Letcher county, to erect a mill dam four feet high, across the North Fork of Kentucky river, at his mill seat on his own farm.

Approved January 19, 1850.

CHAPTER 27.

1850.

AN ACT for the benefit of Charles M. Thruston, Jr., and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful and competent for Charles M. Thruston, Jr., and Barbara Thruston, children of Charles M. Thruston, Sr., to grant, bargain, sell, release, and convey, in fee simple, either jointly or severally, by deed or deeds, signed, sealed, acknowledged, and delivered, as their act and deed, any right, title, interest, use, or benefit, which they or either of them now have or may have, in law or equity, to a certain house and lot, lying and being on the south side of Chesnut street, of Louisville, and between seventh and eighth streets thereof, fronting fifty five feet, more or less, on the south side of Chesnut street, running back the same width at right angles therefrom south two hundred and ten feet, more or less, to a twenty foot street or alley, being the same house and lot now occupied as a residence by the said Charles M. Thruston, Sr.: *Provided*, that such sale or sales, and conveyance or conveyances, so made, or to be made, by said Charles M. Thruston, Jr., and said Barbara shall be approved by their father, the said Charles M. Thruston, Sr.; whose approval, if made and given, shall be endorsed on the said deed or deeds, under his hand and seal; and said deed or deeds, when so made and endorsed, as aforesaid, may be acknowledged and delivered, by said Charles, Jr., and Barbara, and said approval or approvals, by said Charles M. Thruston, Sr., as their act or acts, and deed or deeds, before the Clerk of the Jefferson County Court; and when so acknowledged and delivered, the same, with said approval or approvals, and the Clerk's certificate of said acknowledgments, shall be recorded by the Jefferson County Court Clerk in the record book kept by him for such purpose; and such deed or deeds, or release or releases and approvals, as aforesaid, when so made and recorded, shall have the same force and effect, as though the same were made by persons of full age, and shall be held in all courts of law and equity to have passed all the estate, right, title, claim, and property, use, benefit and interest of said Charles M. Thruston, Jr., and said Barbara, which they purport to convey; and to do away all possible doubt, as to the power hereby vested in the said Charles M. Thruston, Jr., and said Barbara Thruston, they are hereby, for the purposes and objects of this section of this act, put and placed on the footing of persons of full age.

SEC. 2. That Sidney C. Hornsby, who is a *feme covert*, she being also a daughter of said Charles M. Thruston, Sr., is hereby made and declared competent in law to every intent and purpose, and as fully as though she were a *feme sole*, by her own separate act and deed, to grant, bargain, sell, release, and convey, any and all right, title, interest,

1850.

share, use, or benefit, which she has or may have in conjunction with others, in said house and lot, as mentioned and described in the first section of this act, or to its rents, issues, and profits, no matter whether the same, or the legal title thereto, is held by her or another person for her; and her sale, release, and conveyance thereof, signed, sealed, acknowledged, and delivered, by her as her act and deed, before the Clerk of the Jefferson County Court, and left for record in his office, shall be as good and effectual for every intent and purpose to pass to the purchaser or purchasers, releasee or releasees, all her right and title, legal or equitable, and all her use and benefit or claim in the same, as though the said Sidney was a single woman, any thing in any law or usage to the contrary notwithstanding; and said Sidney is hereby declared competent to receive the consideration money paid for her said sale, release, and conveyance, just as though she were a single woman; and her receipt therefor shall be good and sufficient against herself, her heirs, and all and every person or persons whatever: *Provided*, that this act shall not be so construed as to divest any right of T. N. Hornsby, the husband of said Sidney, to the lot in this act mentioned.

SEC. 3. That the said Charles M. Thruston, Jr., is hereby declared competent, in law, to receive and receipt for the purchase money paid, with the approval, as aforesaid, of his said father; to make the sale, release, and conveyance, mentioned in this act; and his receipt for the same shall be as good and effectual, against him, his heirs, executors, &c., as though he was of full age.

SEC. 4. That the share of said Barbara, or the purchase money of her share, right, or benefit in said house and lot, which may be sold by her, by and with the approval of her said father, may and shall be paid over to any guardian of said Barbara, appointed by the Jefferson County Court; and, when so paid over, shall be a full discharge to the purchaser or purchasers; and such guardian shall hold and dispose of the same as other guardians, by law are required to do.

SEC. 5. That Anna B. Johnson, wife of Wm. J. Johnson, (she being a daughter of Charles M. Thruston, Sr., and being in her twenty first year,) is hereby declared competent, in law, to unite with her said husband, said W. J. Johnson, to bargain, sell, release, and convey, in fee simple, any right, title, interest, share, use, or benefit, which she has or may have to said house and lot, and in the uses, benefits, rents, issues, and profits thereof, no matter how the same may be held for her; and such deed, when signed, sealed, acknowledged, and delivered before any competent authority, in the same manner deeds are acknowledged and certified when made by husband and wife, where the land conveyed is the property of the wife, shall be good and effectual to bind said Anna and her heirs, and all others, in re-

gard to the right, title, interest, use, benefit, &c., by said deed, sold, released, and conveyed, any thing in any usage or law to the contrary notwithstanding; and such deed, so made, acknowledged, and certified, shall be recorded in the office of the Clerk of the Jefferson County Court.

1850.

Approved January 19, 1850.

CHAPTER 28.

AN ACT to incorporate the North Middletown and Levy Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed for the purpose of making a Turnpike road, on the McAdams plan, from the town of North Middletown to the Levy, under the name and style of the North Middletown and Levy Turnpike Road Company, and by that name and style shall be a body politic and corporate.

Name & style.

SEC. 2. The capital stock of said company shall be ten thousand dollars, divided into shares of one hundred dollars each. Subscriptions for stock in said company shall be opened in North Middletown and at the Levy, on or before the first Monday in March next, or in reasonable time thereafter, and continue open, from time to time, under the direction of the Commissioners hereinafter named.

Capital stock and books to be opened.

SEC. 3. That the following persons are hereby appointed Commissioners to perform the duties required by this act: at North Middletown, James Horton, John Talbott and William Collins; at the Levy, Duncan O. Richart, Newton Congleton and E. W. Horton; and that they procure books; and the subscribers for stock shall subscribe in said books an obligation to the following effect, viz: We whose names are hereunto subscribed do respectively promise to pay, to the North Middletown and Levy Turnpike Road Company, the sum of one hundred dollars for each share of stock set opposite to our names, in such proportion and at such times, as shall be determined by said corporation.

Commissioners, and form of obligation.

SEC. 4. When eighty shares are subscribed, said Commissioners, or a majority of them, shall notify the stockholders, in the most public places along the road, and in North Middletown and at the Levy, for three weeks in succession, of the fact, and call a meeting of the stockholders, at such time and place as they may designate in such notice, for the purpose of choosing officers; and in the election of officers each shareholder shall be entitled to one vote for each share, and may vote in person or by proxy in writing.

Stockholders to meet and elect officers.

SEC. 5. The width of said road shall not be more than fifty feet, and the part covered with metal not less than sixteen feet wide.

Width of road

1850.

Officers.

SEC. 6. The officers of said company shall consist of a President, and four Directors, and a Treasurer; and the President and Directors shall keep a record of their proceedings in a well bound book, which shall at all times be accessible to each and every one of the stockholders.

County Court
may subscribe
stock, and how
collected.

SEC. 7. The Bourbon County Court may subscribe stock in said company, (a majority of its Justices being present and concurring,) by an order directing its Clerk to make such subscription, and when made shall be obligatory on said County Court; and to enable said Court to pay such subscription when made, it is hereby empowered to levy a tax on the lands and other estate of the citizens of said county subject to State revenue, not to exceed six cents on the one hundred dollars worth of property in any one year; and said tax when levied shall be collected by the Sheriff of said county, and by him paid over to the county Treasurer, on or before the first day of January next succeeding the year in which the same is levied and to be paid. And the county Treasurer shall pay the same at such time and places, and in such manner and amounts, as shall be required of him by the President and Directors of said company.

Certain sec-
tions of Mays-
ville and Lex-
ington Turnpike
Company incor-
porated.

SEC. 8. So soon as said company is organized, the President and Directors shall possess all the powers, authority, rights and privileges, and may do all acts and things necessary for carrying on and completing said road, and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits, as are given and granted to the Maysville and Lexington Turnpike Road Company; and all the acts, approved January 22, 1827, incorporating the Maysville and Lexington Turnpike Road Company, are hereby enacted as part hereof, except so far as provided by this act, and as may come in collision with the provisions of the same, and except, also, so much of the provisions of the 14th section thereof, as requires notice to the Governor, when five miles of said road shall be completed, and a license from him to erect gates, &c., (the President and Directors being authorized to perform that duty,) and also excepting the whole of the 27th, 28th and 29th sections of said act.

Road how lo-
cated.

SEC. 9. The President and Directors of said company shall locate the same upon the most practicable route, and they shall fix the elevation of the grade.

Tolls when to
be collected.

SEC. 10. The President and Directors, as soon as miles is completed, may erect a toll gate thereon, at which they may collect tolls. such as are contemplated by the 8th section of this act.

Stock of Bour-
bon county how
to be appropri-
ated.

SEC. 11. That the stock subscribed by the Bourbon County Court, shall be expended in making the road lying and being in the county of Bourbon only, and the dividends arising from the stock so subscribed shall, when collected, be appropriated to lessening the county levy.

SEC. 12. That all persons who subscribe stock in said road, and have had to work upon said road, are hereby exempt from working on any other road, provided said road is located so that the present road does not have to be kept open.

1850.
Persons to be
exempt from
working roads.

SEC. 13. That all persons who subscribe stock in said road, shall be exempt from toll, going to or from church, elections, mills or funeral processions, or any member of their families.

Who exempt
from toll.

SEC. 14. The Sheriff, for collecting and paying over the road tax to be assessed by the County Court under this act, shall be allowed five per cent. on the amount so collected and paid over; and for failing to collect and pay over, shall be liable to all the penalties which he would incur for a like failure in the discharge of his duties as collector of the State revenue: *Provided*, that in no event, or by any construction, is the State to be held responsible for any aid in the construction of said road.

Commissions
of Sheriff for
collecting levy
for road.

Approved January 19, 1850.

CHAPTER 29.

AN ACT for the benefit of Jefferson Hall, of Marion county.

Whereas, it is represented that the Marion County Court, at its levy laying Court for the year 1849, failed, from oversight, to make an appropriation to pay Jefferson Hall of said county for keeping William Branham and Elizabeth Branham, two paupers of said county, and said Court now thinks it cannot make said compensation. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Marion County Court, a majority of the Justices of the Peace of said county being present, to make an allowance to Jefferson Hall for keeping William Branham and Elizabeth Branham, two paupers of said county, for the year 1849; to be paid out of any funds belonging to said county not otherwise appropriated, if any; if none, then to be levied at the levy laying Court of said county, for the year 1850.

Approved January 24, 1850.

CHAPTER 30.

AN ACT to change a part of the State road leading from Paducah to Grey's Ferry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Dycus and Alfred Johnson be authorized to change that part of the State road leading from Paducah to Grey's Ferry, for a distance of about thirty five rods, where it runs upon the lands of said Dycus

Dycus & Johnson
may change
road.

1850.

Marshall County Court to appoint three commissioners to view route, &c.

Two thirds of the Justices to concur in order to change road.

and Johnson, between Paducah and Benton: *Provided*, application be first made to the Marshall County Court for said change; whereupon, said Court shall appoint three competent Commissioners, house keepers and not of the neighborhood; to view and report upon the proposed change, the convenience or inconvenience to the public, and upon the report to said County Court duly made out and sworn to, the said Court may then order a change in said road, as above indicated, if in their opinion said road will not thereby be put upon worse ground: *Provided further*, that two thirds of all the Justices of said county concur in making the order for the change, and that said Court shall not order any change in said road, until the proposed new road shall be opened as wide, and put in as good order, as the present State road.

Approved January 24, 1850.

CHAPTER 31.

AN ACT for the benefit of Robert S. C. A. Alexander.

Whereas, Robert S. C. A. Alexander, a native of this State, has inherited an estate in the Kingdom of Great Britain, the title to which required his removal to the said Kingdom; and whereas, it is the wish of the said Alexander to spend a portion of his life, and to hold real property in his native State. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the title of all real estate, which the said Alexander has heretofore purchased, or may hereafter acquire by purchase or otherwise within this Commonwealth, shall be held and considered as perfect and complete in the said Alexander, to all intents and purposes, as if the same had been purchased or acquired by a resident citizen of this State.

Approved January 24, 1850.

CHAPTER 33.

AN ACT for the benefit of Henry G. Stemmons and Almyra, his wife.

Whereas, it is represented that Henry G. Stemmons and Almyra, his wife, late Almyra Sartain, are the owners, in fee simple, by descent from Elijah Sartain, the father of said Almyra, of one undivided fifth of a small tract of land in Garrard county, near the town of Lancaster, purchased by said Elijah Sartain of H. D. Samuel, and known as the "Samuel tract," containing between fifty and sixty acres, which they hold in common with Samuel Lusk, the vendee of the other heirs of said Elijah Sartain; and whereas, it is further represented that a sale of the interest of said

Stemmons and wife in said tract will redound to their advantage, which, however, cannot be made owing to the non-age of said Almyra. Therefore,

1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Henry G. Stemmons, and Almyra, his wife, shall have and are hereby invested with full power to sell, alien, convey and dispose of their interest in said land; and any conveyance which they may execute therefor, otherwise valid by the laws of this State, shall be as binding and valid as though said Almyra had attained full age.

H. G. and Almyra Stemmons authorized to sell and convey interest in land, &c.

Approved January 24, 1850.

CHAPTER 34.

AN ACT to amend the act authorizing a Fire Company in the town of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to authorize a Fire Company in the town of Russellville, and for other purposes, approved January 11, 1830, be so amended as to allow said Fire Company to have as many as forty members, instead of thirty, as provided in the first section of said act.

Approved January 24, 1850.

CHAPTER 35.

AN ACT to incorporate the Ghent and Eagle Creek Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company may be formed and created a body politic and corporate, by the name and style of the Ghent and Eagle Creek Turnpike Road Company, for the purpose of making a Turnpike Road from Ghent to Eagle Creek, in the direction of New Liberty.

Name & style.

SEC. 2. The capital stock of said company shall be thirty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

SEC. 3. That books for the subscription of stock shall be opened at Ghent, under the direction of the following gentlemen, as commissioners: W. Craig, T. Fisher, J. P. Cox, R. C. Lindsey, and Levi McCann—on the 10th day of February, 1850, or as soon thereafter as the said commissioners may direct; and they may continue the books open as long as they may think proper. The subscribers shall, in the book of the commissioners, enter into the following obligation, viz: We, whose names are hereunto subscribed, do respectively promise to pay the President and Directors of the Ghent and Eagle Creek Turnpike Road Company,

Books for subscription of stock—when & where opened. Com's names.

Obligation of stockholders.

1850.

fifty dollars for each share of stock set opposite to our names, at such times as we may designate, and pay the same in such proportions and at such times as the said President and Directors may require, after the same becomes due and payable. Witness our hands this day of . Which amounts shall be collected in the proper courts.

Commissioners to call meeting of stockholders to elect President, Directors, &c.

SEC. 4. So soon as ten thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners named in the third section of this act, to give notice, in such manner as they may think proper, for a meeting of the Stockholders, at such time and place as they may think proper to designate, for the purpose of electing a President and five Directors; and one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are duly elected. The times and places for all elections, after the first, shall be fixed by the President and Directors for the time being. A majority of the Board shall be competent to transact business.

Quorum.

When company is organized; powers and privileges.

SEC. 5. So soon as said company is organized by the election of officers, the President and Directors shall be a body politic and corporate in fact and in law, under the name and style of the President and Directors of the Ghent and Eagle Creek Turnpike Road Company, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase or gift, all such lands, tenements, hereditaments, real or personal property, as may be necessary for the prosecution of their work or the objects of this corporation. They shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity or elsewhere; also to have and use a common seal, and generally to do all or any act, matter or thing, which a corporation may lawfully do, to effect the objects for which this corporation is created.

Part of charter of Warsaw Turnpike Company re-enacted as part of this.

SEC. 6. *Be it further enacted*, That so much of an act, entitled, an act to incorporate the Warsaw Turnpike Company, passed and approved February 12, 1849, as is embraced in sections 7, 8, 9, 10 and 11, be and the same is hereby re-enacted and adopted as a part of this act, except that part of section 9, where the name of Gallatin is used, in said section, the name of Carroll shall be used in this act: *Provided*, that nothing herein contained shall authorize any subscription of stock upon the part of the State.

State not to take stock.

Approved January 24, 1850.

CHAPTER 36.

1850.

AN ACT to amend the charter of the City of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the 22d section of the act, entitled, "an act to reduce into one and digest and amend the acts and amendatory acts incorporating the city of Lexington," approved February 25, 1842, as requires the Mayor and Council of the city of Lexington to appropriate annually the sum of ten thousand dollars towards paying the interest and extinguishing the debt of said city, be and the same is hereby so amended as to require the said Mayor and Council to pay, of said interest and debt, in and during the year 1850, only the sum of five thousand dollars.

Approved January 24, 1850.

CHAPTER 37.

AN ACT to amend an act, entitled, an act to extend the limits of the town of Hopkinsville, and the act amending the same, approved February 26, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said recited act be so amended as to read after the words and figures, "to a stake in S. I. Hawkins' field;" thence N. twenty two degrees E. to the turnpike road; thence eastwardly, with said road, to the bridge over Little river; thence up said river, with the several meanders thereof, to the beginning.

Approved January 24, 1850.

CHAPTER 39.

AN ACT for the benefit of James R. Mitchell and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Edward Berry, or his transferee, to file his bill in chancery in the Washington Circuit Court, against James R. Mitchell and the heirs of Mary Ann Mitchell, deceased, wife of James R. Mitchell, praying the said Court to decree the specific execution of a contract for lands in said county, entered into between the said Edward Berry and the said James R. Mitchell, and Mary Ann his wife. The said Court shall have power to decree, and appoint a Commissioner to convey on the part of the said infants: *Provided,* it shall appear to the said Court that it will be to the interest of the heirs of said Mary Ann to sodecree: *And, provided further,* that before said Court shall enter such decree, it shall take, from the said James R. Mitchell, bond with good security, conditioned to secure

1850. the purchase money of said land, to the heirs of **Mary Ann Mitchell**, and with such other conditions as the **said Court** may deem it necessary to require in the case.

Approved January 30, 1850.

CHAPTER 40.

AN ACT for the benefit of the town of Bloomfield, in Nelson county.

Whereas, it is represented to the General Assembly that **Spence Minor**, of Nelson county, donated to the town of Bloomfield, for special uses, a certain lot of ground adjoining said town, on which is now erected a Seminary, Masonic and Temperance Hall, and it is desired that said lot be conveyed to the Trustees of Bloomfield, and that the boundaries of said town be so extended as to include said lot. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the limits of the town of Bloomfield, in Nelson county, be and the same are hereby extended as follows: Beginning at a corner of the lot belonging to **John T. Brown**, and which is the south west corner of the present limits of said town; thence southwardly to the beginning corner of the Seminary lot; thence southwardly with the western line of said lot, to the south western corner of the same; thence eastwardly with the southern line of the same to a corner on the **Bardstown road**; thence eastwardly to the south west corner of **B. A. Wilson's** lot in said town.

SEC. 2. That it shall be lawful for **Spence Minor** to convey to the Trustees of the town of Bloomfield, in Nelson county, and their successors in office, a lot of land adjoining said town, and included in said extension of the limits, as described in the first section of this act, by them to be held for such purposes as may be designated in the deed of conveyance.

Approved January 30, 1850.

CHAPTER 41.

AN ACT for the benefit of **John D. Overstreet**.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the **Barren County Court** is authorized, upon satisfactory proof being made in open court, to make an order directing the Sheriff to pay to **John D. Overstreet**, of Barren county, the amount of revenue tax imposed upon him improperly in the year 1849; it appearing that said **Overstreet's** property was improperly assessed and taxed, and that said Sheriff receive a credit in his annual settlement for the amount so paid by him; and a copy of such

order shall be a sufficient voucher on said settlement with the Second Auditor.

1850.

Approved January 30, 1850.

CHAPTER 42.

AN ACT for the benefit of Jesse Coe, committee of James Murley, an idiot.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jesse Coe, committee of James Murley, an idiot, of Cumberland county, be allowed the sum of twenty five dollars for the support of said idiot, from the October term, 1846, of the Cumberland Circuit Court, to the April term, 1847, of said Court; it appearing that said amount has never been drawn by said committee, or any one else; and the Second Auditor is required to draw his warrant on the Treasury in favor of said committee for said amount.

Approved January 30, 1850.

CHAPTER 44.

AN ACT for the benefit of Noah Menser, of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Noah Menser, son of David Menser, of Ballard county, be and he is hereby relieved from the disabilities of a minor, so far as to authorize him to convey title to any real estate heretofore conveyed to him by his father said David Menser, and in that respect he may act as a man of full age.

Approved January 30, 1850.

CHAPTER 45.

AN ACT incorporating the United German Evangelical Congregation of St. John's Church, in Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Westermann, Lewis Rehm, William Kriel, Jacob Appel and Henry Sievert, and their successors in office, are hereby created a body corporate and politic, by the name and style of the Trustees of the United German Evangelical Congregation of St. John's Church, in Louisville, and by that name shall have perpetual succession, with powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded so far as may be necessary to protect the rights, titles, property, and privileges of said congregation, and said Trustees may take and hold any quantity of land, not exceeding four acres, for the use and benefit of said congregation.

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Sec. 2. That whenever any vacancy may occur in the Board of Trustees, it shall be filled pursuant to the rules and regulations that have been, or may hereafter be adopted by said congregation, and which are not incompatible with the laws and constitution of this Commonwealth.

Approved January 30, 1850.

CHAPTER 46.

AN ACT for the benefit of the widow and heir of Silas Woodard, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Nancy Woodard, widow of Silas Woodard, deceased, late of Barren county, in her own right, and as guardian of Talitha Jane Woodard, infant heir of said deceased, to file her bill in chancery in Barren Circuit Court, praying said court to ratify and decree the specific execution of the sale of a tract of land in said county, which descended from said Silas Woodard, deceased, to his widow and heirs. The said court shall have power to decree, and appoint a Commissioner to convey the interest of the said infant; and such conveyance shall be effectual to invest the purchaser with the title of said infant, as fully as if she were of full age and had made the same in proper person: *Provided*, that said court shall not decree the specific execution of said sale, unless it shall be satisfied that it is to the interest of the said infant so to do: *And provided further*, that before the said court shall make any decree, it shall take from the said Nancy Woodard bond with good security, conditioned to secure the money arising from the sale of said land to the said Talitha Jane, and have the same ready at all times to answer any further order or decree of the said court, and with such other conditions as the said court may deem just and proper to impose.

Approved January 30, 1850.

CHAPTER 47.

AN ACT for the benefit of Sarah S. Fowler, of Livingston County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Sarah S. Fowler, the wife of Wiley P. Fowler, of Livingston county, be and she is hereby authorized and empowered to make a last will and testament, which shall be as valid and of as full force in law, as if she were a *feme sole*; and all devisees and bequests made by her in such will, if made by her while a *feme covert*, shall pass the title as fully and perfectly as if she were an unmarried woman at the time of making such will: *Provided*, said will shall be made during the life of her present husband Wiley P. Fowler.

Approved January 30, 1850.

CHAPTER 48.

1850.

AN ACT to extend the Mechanics' lien law to the county of Harrison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the benefits provided for the carpenters, joiners, brick masons, stone masons, painters, plasterers, turners, brick makers, lumber merchants, and all other persons performing labor and furnishing materials for the construction or repair of any buildings in the towns of Covington and Newport, approved February 22, 1834, are hereby extended and provided for all such persons, in Harrison county, who may do work or provide materials for any building in said county, as is described in said act, and liens are hereby given upon farms in said county, in the same manner as liens are given upon lots in said towns.

Approved January 30, 1850.

CHAPTER 49.

AN ACT for the benefit of Peyton Cox and others, of Hopkins county.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky that Edwin Ruby, of Hopkins county, departed this life intestate, leaving a widow and infant children, and previous to his death had agreed verbally with Peyton Cox, of said county, in substance, that if said Cox would improve, build a mill on, and pay to the said Ruby a certain specified sum of money for part of an eleven hundred acre survey of land, deeded to said Ruby by Dabney W. Brown, (the deed being of record in the Clerk's office of the Hopkins County Court,) lying on the waters of Deer Creek. It is further represented that the part of said survey to be improved was specified by the parties aforesaid, by metes and bounds, but the number of acres was never ascertained. It is further represented that the said Cox, in pursuance of said agreement, did enter on that part of said survey agreed upon, and did build a mill thereon, and also paid to the said Ruby a greater portion of the purchase money agreed on. It is further represented that it will be both to the interest of said Cox and the infant heirs of Edwin Ruby, deceased, to carry into execution the verbal contract aforesaid. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it may be lawful for the said Peyton Cox to file his bill in chancery, in the Hopkins Circuit Court, for a specific performance of said verbal contract—setting up the facts recited in the preamble to this act, and all other facts in the cause which will entitle him to relief in equity. And said Court, upon the filing of such bill, may decree a specific performance of said verbal contract: *Provided,* that in the opinion of said Court it would not be to the detriment of the interest of said infant heirs

1850. of Edwin Ruby, deceased: *And, provided further, that said Court, in rendering such decree, shall be governed by the principles of equity, which govern other cases of a similar character, except so far as it relates to that part of said contract which is not reduced to writing.*

SEC. 2. It shall be the duty of said Court, before rendering said decree, to give said infant heirs of Edwin Ruby, deceased, notice of the pendency of said suit, and appoint them a guardian *ad litem*, and also an efficient Attorney of said Court, to defend and protect their interest in said land; which Attorney shall have reasonable notice of the time and place of the taking all depositions to be read on the part of complainant.

SEC. 3. It shall be the duty of said Court, before pronouncing a decree in said cause, to proceed to the settlement of accounts between the said Ruby, deceased, and the said Cox, in relation to said contract, or any other matters that may be urged by either party to said suit; and if it shall appear, upon such settlement, that all the purchase money for said land has not been paid, a lien shall be reserved for the balance of the purchase money unpaid. It shall further be the duty of said Court, in rendering the decree aforesaid, to give to said infant heirs the time of three years, severally, after they arrive at full age, to controvert the validity of said decree.

Approved January 30, 1850.

CHAPTER 50.

AN ACT for the benefit of Sabrit Doty and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Sabrit Doty, as the father and natural guardian of his children Susan Ann, William R., James A., Sarah Jane, Mary Frances, Elizabeth, and Jesse Doty, all of whom are infants, to file his bill in chancery in the Garrard Circuit Court, praying the Judge of the said Court to decree to him the title of a certain tract of land in said county, containing about one hundred and twenty four acres, which descended to said children from their late mother; and said Court shall have power to appoint a commissioner to convey, by deed, all the interest of said children in the said land, to the said Doty; and the conveyances so made shall be as effectual to pass the title of the said children, as if they were of full age, and made the same in proper person: *Provided however,* that before the said Court shall decree the title and conveyance as aforesaid, it shall appoint three or more commissioners, known to the Court as upright men, who shall, upon their oaths, value the aforesaid land, and who shall lay off, in good shape, the quantity of land equal in value

to the said land, in the tract of land on which said Sabrit Doty now lives in Garrard county; and the said Doty shall execute a deed, with general warranty, to the said children for the land so laid off and valued in his said home place; which deed shall be received by the Judge of said Court, and shall be by him certified to the County Court Clerk for record, as deeds are now required by law to be. The said deed, by said Sabrit Doty so made, shall reserve to him his estate as tenant by the curtesy in the land so conveyed: *And, provided further*, that the said Court shall be of opinion that the exchange herein authorized will be to the interest of the said infants.

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Approved January 30, 1850.

CHAPTER 52.

AN ACT to incorporate the town of Foster, in Bracken county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the inhabitants of the town of Foster, in Bracken county, be and the same is hereby incorporated and made a body politic and corporate, under the name and style of the town of Foster, with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered; and to do and perform all such other acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully and lawfully do and perform.

SEC. 2. That on the first Monday of March next, and on the first Monday of March in each year thereafter, an election shall be held in said town for the choice of seven Trustees for said town, to serve for the ensuing twelve months, and until their successors are duly elected; and all resident white male citizens in said town, over the age of twenty one years, shall have the right to vote in said election; but no person shall be qualified to act as Trustee who shall not be a resident of said town, nor until he or they shall have taken an oath, before a Justice of the Peace, faithfully to perform the duties of the office of Trustee of said town. The first election shall be held at the house of Samuel McGill, and under the supervision of the Sheriff, or his deputy, of said county.

SEC. 3. That said Trustees may make such rules, by-laws, and regulations, for the government of said town, as they may deem advisable, provided they are not incompatible with the Constitutions of the United States or of this State, or the laws thereof.

SEC. 4. That the said Trustees shall have power to open the streets and alleys of said town; to grade, pave, and McAdamize them; to make wharves and landings on the

1850.

Ohio, and to make such other improvements, for the benefit of said town, as they may deem proper.

Sec. 5. That the said Trustees have power to tax the real and personal property of said town, *ad valorem*, not exceeding twenty five cents for each hundred dollars of value thereof; and they shall have, also, the power to levy a capitation tax on all white male inhabitants, and resident slaves, over twenty one years of age, not exceeding one dollar in each year; and may appoint a Collector and Marshal for said town

Sec. 6. That the County Court of Bracken shall not grant to any person the right to keep tavern, within the corporate limits of said town, without the person shall first obtain permission of said Trustees in writing.

Sec. 7. That this charter may be amended and added to at the pleasure of the General Assembly.

Approved January 30, 1850.

CHAPTER 53.

AN ACT for the benefit of the Sheriff of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Kenton county be allowed until the third Monday in May next to return his delinquent list of revenue for the year eighteen hundred and forty nine, which shall be as effectual as if returned as now required by law; and the Second Auditor is hereby authorized to issue his warrant on the Treasurer for any amount that may be due said Sheriff upon a final settlement.

Approved January 30, 1850.

CHAPTER 54.

AN ACT for the benefit of John Abril, Jr.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That pursuant to the provisions of an act prescribing the mode for a change of venue in criminal cases, approved February 23d, 1846, the venue in the prosecution for murder, pending in the Russell Circuit Court, against John Abril, Jr., be and the same is hereby changed to the county of Adair.

Approved January 30, 1850.

CHAPTER 55.

AN ACT for the benefit of the Administrator of James Ford, deceased.

Whereas, it is represented that a negro man slave, named Reed, belonging to the estate of James Ford, de-

ceased, is a wicked, malicious, uncontrollable servant, so much so, that he is almost valueless to said estate. Therefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Sandford Duncan, Jr., administrator of the estate of said James Ford, deceased, to file his bill or petition in the Caldwell Circuit Court, stating the reasons for wishing a sale of said slave, making the infant heirs (and their guardians) of said deceased defendants, and serving them with process. Upon satisfactory proof being made, said Court shall decree the sale of said slave, upon such credit as shall be considered proper, and requiring that bond, with good security, shall be given for the purchase money, payable to said administrator, having the force and effect of a ~~replevin~~ bond.

SEC. 2. That said administrator shall pay over the money arising from the sale of said slave to the guardian of the infant heirs of said James Ford, deceased, when collected, and take his receipt therefor; and which receipt shall be a good voucher for said administrator in his settlement for the sale of said slave, or in his final settlement of the estate of said deceased.

Approved January 30, 1850.

CHAPTER 56.

AN ACT for the benefit of William P. Johnson, John Janes, Jr., and Rebecca McNeally, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Adair County Court to levy annually for the support of William P. Johnson, John Janes, Jr., and Rebecca McNeally any sum not exceeding thirty dollars to each of them, without requiring them, or either of them, to be kept at the poor house of said county, as long as they may respectively live in said county and are unable to support themselves.

SEC. 2. That it may be lawful for the Fleming County Court to levy, annually, for the support of John Vallandigham, any sum not exceeding thirty dollars, without requiring him to go to the poor house of said county.

Approved January 30, 1850.

CHAPTER 57.

AN ACT for the benefit of W. A. Stivers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That W. A. Stivers be allowed the sum of forty five dollars, for furnishing a band of music on the reception of General Taylor, at Frankfort, on the 11th February,

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1849; it appearing that said Stivers had stipulated with the Marshal of the day, on that occasion, for said amount, and that it was the intention of the General Assembly to make an appropriation therefor at the last session. And the Second Auditor is required to draw his warrant on the Treasurer in favor of said Stivers for said amount.

Approved January 30, 1850.

CHAPTER 58.

AN ACT for the benefit of the Clerk of the Circuit and County Courts of Monroe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of two years be and the same is hereby granted and extended unto William Butler, Clerk of the County and Circuit Courts of Monroe county, to list and collect the fees due him by law.

Approved January 30, 1850.

CHAPTER 59.

AN ACT for the benefit of Isaac Van Houten.

Whereas, Isaac Van Houten has been thrown, at the age of sixteen, a stranger, and dependent upon strangers, and reared without the care of parents, and his name having been changed by accident to that of William G. Reed, and under the latter name he has come of age, and before and since he has obtained his majority, he has done business by the name of William G. Reed. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of said Isaac Van Houten be and the same is hereby changed to that of Wm. G. Reed, and his acts heretofore done in the said name of William G. Reed are hereby legalized.

Approved January 30, 1850.

CHAPTER 60.

AN ACT for the benefit of the infant heirs of Baruch Offutt, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Chancellor of the Scott Circuit Court is hereby authorized, upon the filing of a petition by the guardian or guardians of the infant heirs of Baruch Offutt, deceased, late of said county, to render a decree for the sale of the real estate and slaves descended to them from said deceased, by the death of his widow, the late Mrs. Virlanda Offutt, consisting of about one hundred and twenty acres of land, lying in said county, and about nine or

ten slaves: *Provided*, said Chancellor shall believe a sale of said real estate and slaves to be for the interest of said infant heirs: *And provided further*, that said Chancellor shall take bond or bonds from the said guardian or guardians, as the existing laws require upon rendering a decree for the sale of infants' real estate.

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Approved January 30, 1850.

CHAPTER 61.

AN ACT incorporating the Ladies' Hebrew Beneficial Society.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Nancy Ochs, Fanny Fandler, Bertha Lieberman, Henrietta Lichten, Julia Lieber, Amelia Mendel, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of "the Ladies' Hebrew Beneficial Society," and by that name and style may have and use a common seal, and may alter and change the same at pleasure; and in their corporate name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in any Court of law or equity in this Commonwealth, and shall have power to take and hold any property, real, personal or mixed, and to sell, exchange or dispose of, or convey the same, or any part thereof, at pleasure, for the use and benefit of said Society.

SEC. 2. That said Society is hereby invested with full power and authority to make all necessary laws, rules and regulations for the government of the same, and for the election of its officers, not inconsistent with the Constitution of the United States or the Constitution and Laws of this State.

SEC. 3. The General Assembly hereby reserves the right to alter, amend or repeal this act at pleasure.

Approved January 30, 1850.

CHAPTER 62.

AN ACT for the benefit of Levi D. Butler.

Whereas, Levi D. Butler was appointed Constable of Grayson county, at the June term of the Grayson County Court, in the year 1847, for District No. 3, when it was represented that he resided in District No. 4. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the order of said County Court, appointing said Constable, be and the same is hereby legalized; and that the said Levi D. Butler be and he is hereby empowered to collect all his fees as Constable of Grayson county, which fees are not to exceed those of other Constables for similar services.

Approved January 30, 1850.

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CHAPTER 63.

AN ACT for Private Passways in Pike and Floyd counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Pike County Court is authorized to establish private passways, to any point or points at which it may be desired to make a landing on any navigable stream in said county, to enable the applicant to take off timber or coal, under the same rules and regulations which govern County Courts in establishing private passways to courts, elections and warehouses.

SEC. 2. That the first section of this act shall in all and every respect apply to the county of Floyd, under the direction of the Floyd County Court.

Approved January 30, 1850.

CHAPTER 64.

AN ACT to change the name of Lunsford Caldwell Barton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Lunsford Caldwell Barton, son of Mrs. Mary M. Caldwell by a former marriage, be and the same is hereby changed to Harry Caldwell Barton.

Approved January 30, 1850.

CHAPTER 65.

AN ACT to establish an election precinct in Harrison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established an election precinct, at the house of Col. Duncan Harding, in the county of Harrison and town of Kentontown, which shall be governed by the general laws in relation to elections.

Approved January 30, 1850.

CHAPTER 66.

AN ACT for the benefit of Ellen D. Nicholas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That full power is hereby given Ellen D. Nicholas to do and carry on business; to acquire money and property, both real, personal and mixed; to sell, alien and convey the same in her own name free from the control of her husband, N. Nicholas, and in no way liable to his debts or management, but to be held and controlled exclusively by the said Ellen D. Nicholas, as though she were a *feme sole*. She may sue and be sued, plead and be impleaded, in all courts of law and equity, as though she were a *feme sole*; and may exercise all the rights and privileges pertaining to her said

property and money, and may dispose of the same by deed or will, as fully and completely as though she were a single woman of full age.

1850.

Approved January 30, 1850.

CHAPTER 67.

AN ACT for the benefit of Thomas W. Hammond, former Sheriff of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas W. Hammond, former Sheriff of Trigg county, for the year 1845, shall have until the first day of October next to make out and return his delinquent list, upon the Auditor's list, to the Trigg County Court; and the Second Auditor shall receive said list and give credit for the same, under the same rules and regulations as if the same were returned in proper time.

Approved January 30, 1850.

CHAPTER 68.

AN ACT for the benefit of James Chapman and wife.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Nancy T. Chapman, the wife of James Chapman, of Barren county, (who is now a minor,) was, at the time of her marriage with said James, the owner of three negro slaves, and that she and her husband are anxious to sell said slaves, and to invest a portion of the proceeds arising from their sale in land. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon petition being filed and sworn to by James Chapman and Nancy T. Chapman his wife, in the Barren Circuit Court, the Judge is authorized to render a decree directing the said James Chapman to sell and convey the three negro slaves, the property of the said Nancy T. Chapman his wife. But before said decree is rendered, the said Chapman and wife shall be required, by said court, to execute a bond payable to the Commonwealth of Kentucky, with good and sufficient security, in the penal sum of one thousand dollars, conditioned that the sum of four hundred and fifty dollars, a part of the money arising from the sale of said slaves, shall, within six months after the rendition of said decree, be paid by the said Chapman and wife to a trustee who shall be appointed by said court; which trustee shall invest said sum of \$450 in land lying in said Barren county; and said trustee shall take a conveyance of the land so purchased, from the grantor or grantors to himself, for the use and benefit of the said Nancy T.

1850. Chapman during her life, and then to the heirs of her body, with clause of general warranty.

Approved January 30, 1850.

CHAPTER 69.

AN ACT to incorporate the Society of the Bethel Association, for Missionary, Bible, and Educational purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Reuben Ross, John P. Campbell, Samuel Baker, Nimrod Long, Robert Williams, H. G. Boone, W. S. Baldry, Robert C Foster, and George W. Norton, Trustees, and their successors as such, be and they are hereby incorporated under the name and style of the Trustees of the Society of the Bethel Association, for Missionary, Bible, and Educational purposes; and by that name shall have perpetual succession, and a common seal, or may use their individual seals or scrolls, and may sue or be sued, plead and be impleaded, in any court of law or equity in this Commonwealth; said Trustees or their successors to be chosen at each annual meeting of the Baptist Bethel Association.

SEC. 2. That said Trustees and their successors, are hereby invested with full power to receive by devise, or in any other manner, and to hold real estate to the amount of twenty five thousand dollars, and to receive, hold, and apply any bequests, legacies, and donations, which may be made to them, for the purposes indicated in their corporate title above; and they shall use and apply said real estate, goods, chattels, and effects, according to the directions of the devise, bequest, legacy or donation, and the by-laws and regulations of the corporation.

SEC. 3. Said Trustees shall have and be governed by any by-laws or regulations, not inconsistent with this act or the laws of the land, which may be prescribed and adopted by themselves, or by the Baptist Bethel Association, as the said Association shall determine at its annual meetings.

SEC. 4. The Legislature may, at any time, modify or repeal this act.

Approved February 1, 1850.

CHAPTER 70.

AN ACT to establish an Election Precinct in the county of Mason.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the county of Mason as is included in the following boundary be made an Election Precinct in said county, viz: Beginning at the point where the Bracken line crosses the North fork of Licking river, and running thence up said North fork to the mouth of

Car's Run; thence with the middle Trace road to the Fleming line; thence with the Fleming line to the Nicholas line; thence with the Nicholas line to the Bracken line; thence with the Bracken line to the beginning; and the electors therein shall vote at the house of Peyton White, in the town of Sardis, or some other house that he may provide, or at the Court House of the county of Mason.

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Approved February 2, 1850.

CHAPTER 71.

AN ACT to establish additional Election Precincts in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That two additional election precincts be and are hereby established in Nicholas county; one at Headquarters, and the other at Mitchell's mills, on Johnson creek, in said county, to be governed in all respects by the laws regulating elections.

Approved February 2, 1850.

CHAPTER 72.

AN ACT for the benefit of the heirs of John Deskins, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the heirs of John Deskins, deceased, or any one of them, may file their bill in the Pike Circuit Court, praying the sale of a mill, and so many acres of land belonging to the estate of said deceased, as will be for the convenience of carrying on said mill, on Big Creek, in the county of Pike.

SEC. 2. The Judge of said Court shall order and decree the sale of said mill, and as much land as will be necessary for the convenience of using the same, and cause the same to be conveyed to the purchaser by deed in fee simple; the sale to be made on reasonable credit, bond with approved security to be required of the purchaser, having the force and effect of a replevin bond, the proceeds of such sale shall be divided among the heirs of said deceased, as required by law in case of intestates' estates, after paying all reasonable costs: *Provided*, that should it appear to the satisfaction of said Court, that any of the heirs have taken some other portion of said decedent's estate, instead of his rights in said mill and land, or otherwise forfeited his rights to the said mill and lands under the existing laws, the proceeds of said sale shall be divided among the rightful claimants: *And, provided further*, that before said Court shall carry out the intention of this act, process shall be executed on all of the heirs, or their guardians, according to existing laws.

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Sec. 3. The conveyance made pursuant to this act shall be as effectual as if all the heirs of said deceased were of full age.

Approved February 2, 1850.

CHAPTER 73.

AN ACT for the benefit of Willis Walden.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is hereby granted to Willis Walden, who stands indicted for murder in the Boyle Circuit Court, to the county of Garrard, in pursuance of an act, entitled, an act providing for a change of venue in criminal cases, approved February 23, 1846, and upon his compliance with the requisitions and provisions of said act.

Approved February 2, 1850.

CHAPTER 74.

AN ACT allowing an additional Constable and Justice of the Peace to Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Constable and Justice of the Peace be allowed to Daviess county, both of whom may reside in the town of Calhoun.

Approved February 2, 1850.

CHAPTER 75.

AN ACT to extend the corporate boundary of the town of Hodgenville, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the corporate boundary of the town of Hodgenville be so extended that the external lines be one fourth of a mile from the centre of the public square therein, on a direct line with the four principal streets running therefrom, and then the lines to run at right angles until they intersect each other; and that the present Trustees, or their successors, are empowered to cause a survey and plat or map of said town to be made according to the original plan, and have the same recorded in the Clerk's office of the same County Court; which boundary is hereby declared the corporate boundary of said town: *Provided*, that the Trustees shall have no power to open any streets or alleys, within the extended limits of said town, unless by the express consent of the owner of the lands through which they may run.

Sec. 2. The Trustees of said town are authorized to re-

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ceive a conveyance of any land within the vicinity of said town, suitable for a public burying ground, for the use and benefit of the citizens thereof; and they and their successors hold the legal title to the same, control and manage it, and may appropriate a portion of the fund arising from the tax levied and collected, for fencing and beautifying and keeping the same in repair annually.

SEC. 3. That the appropriation of fifty dollars, made by the Trustees of said town to aid in the building of the Hodgenville Male and Female Seminary during the year 1849, be and the same is hereby legalized; and the Trustees of said town shall have power to appropriate, of the taxes of said town, (when necessary,) a sum not exceeding one fourth of their annual levy, for the purpose of constructing suitable seats in said Seminary, and in beautifying the grounds attached thereto; and said fund, when thus levied and set apart, shall be used for no other purpose.

SEC. 4. That the levy made by said Trustees in the year 1847, for town purposes, be and the same is hereby legalized; and the present Trustees and their successors shall have power to list the same, together with any taxes that they may have heretofore levied and not collected, and all taxes which they may hereafter legally levy with the Sheriff, or any Constable of Larue county, who shall receive and receipt for the same; and who, together with his securities in his official bond, shall be responsible for the faithful collection and paying over of the same to the said Trustees in the same way and same manner as said officers are responsible for executions placed in their hands for collection; and the officer, in whose hands the same may be placed, shall have the same power to enforce collection thereof, as is given by law for the collection of the county levy.

SEC. 5. That all property within the limits of said town, subject to taxation for revenue purposes or county levy and in the same manner, shall be subject to taxation by the Trustees of said town: *Provided*, that said Trustees shall in no one year lay a greater levy than twenty cents on each one hundred dollars worth of property, nor a greater tax than one dollar on each tytheable.

SEC. 6. The Trustees of said town shall have no power to levy a tax of any kind upon any person or his property which shall have been brought into the corporate limits of said town by the extension created by this act, until the expiration of five years, from and after the passage of this act: *Provided*, that the owners of the real estate which shall have been brought into the corporate boundary of said town by this act, and not included in the former boundary, shall, within twelve months, from and after the passage of this act, make a good substantial sidewalk at least four feet wide, well curbed and paved with stone or brick, on the most public street that passes his, her or their lot or lots, to

1850. the entire extent that such street may pass the same : *Provided further*, that should the owner or owners of any lot or lots fail to make sidewalks, as above specified, for the space of twelve months, then he, she or they so failing, shall be liable to be taxed the same as if this act had never passed.

SEC. 7. That the title, legal and equitable, of all real estate brought into the corporate boundary of said town by this act, shall be and the same shall remain the same as if this act had never passed.

Approved February 2, 1850.

CHAPTER 76.

AN ACT for the benefit of William P. Robinson and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That power is hereby given William P. Robinson and Rachel Robinson his wife, of Nicholas county, to convey real estate descended to said Rachel from her father, Ambrose Sims, deceased, being about twenty one acres of land lying in said county on the waters of the Brushy Fork, near the town of Carlisle; and such conveyance shall be as effectual and binding on the parties as if the said Rachel Robinson were of full age: *Provided*, that said Robinson shall give bond, with good security, before the Nicholas County Court, in a penalty double the value of said land, conditioned to pay to the heirs at law of the said Rachel Robinson the value of said land, in the event of her dying before her arrival at full age.

Approved February 2, 1850.

CHAPTER 77.

AN ACT for the benefit of Robert Bowen and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert Bowen and Margaret his wife, formerly Margaret Holladay, who was the widow of William Holladay, senior, late of Nicholas county, shall be allowed to take from the State of Kentucky to the State of Missouri, where the said Bowen and wife propose to remove, two slaves named Allen and Aborilla, held by said Margaret Bowen in her dower right as widow of the said William Holladay, senior, deceased, without incurring any of the penalties now denounced by law against widows for removing dower slaves out of the limits of this State: *Provided*, that before so doing, the said Bowen and wife shall execute bond, with adequate penalty, to the heirs of said William Holladay, deceased, before the Judge of the Nicholas Circuit Court, with approved security resident in said

county, conditioned to have said slaves, and the increase of said Aborilla or such of them as may be living, forthcoming at any time when the same are properly called for, to answer the demand or demands of such person or persons as may be entitled to them after the determination of the dower estate aforesaid: *And. provided further*, that the Judge of the said Circuit Court may, at any time, hear and determine upon a motion for additional security made by any of the said heirs, and may proceed in the matter as the interest of said heirs may demand; and upon the failure of said Bowen and wife to execute additional bond and security, when required by said court, they shall forfeit their dower estate in said slaves, and incur all the penalties denounced by the existing laws against widows who remove dower slaves out of this State in contravention to said laws.

1850.

Approved February 2, 1850.

CHAPTER 78.

AN ACT allowing an additional Constable to the County of Hopkins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Constable be allowed to the county of Hopkins, to reside in the town of Providence in said county; and it shall be the duty of the County Court of said county, as soon as may be after the passage of this act, to appoint said Constable, and in making such appointment they shall be governed by the laws now in force concerning the appointment of Constables.

Approved February 2, 1850.

CHAPTER 79.

AN ACT to change the name of Larze Anderson Riggs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Larze Anderson Riggs, of Henry county, be and the same is hereby changed to that of Larze Anderson Logan.

Approved February 2, 1850.

CHAPTER 80.

AN ACT for the benefit of the heirs of Simeon Weatherspoon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Thomas Rickman, administrator of Simeon Weatherspoon, deceased, to expend the sum of thirty eight dollars and eight cents, the amount represented to be due the heirs of said Weatherspoon upon the settlement of the estate of said deceased,

1850. in the education of the children of said Weatherspoon :
Provided, that each one of said children shall have his or
 her ratable portion of said sum of money expended in his
 or her education.

Approved February 2, 1850.

CHAPTER 81.

AN ACT to amend the charter of the Nicholas Savings Institution.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to charter the Nicholas Savings Institution, and to amend the charter of the Versailles Savings Institution, approved February 26, 1849, be and the same is hereby so amended as to allow the said Nicholas Savings Institution to be put into operation under the provisions of said act, at any time within two years from the passage of this act, as fully as if the same had been put into operation within the time specified in the second section of said act, to which this is an amendment.

SEC. 2. That the amount of the quarterly payments required to be paid by the fourth section of the act, to which this is an amendment, shall be left to the discretion of the President and Directors of said Nicholas Savings Institution.

SEC. 3. That the President and Directors of said Institution shall give the depositors, or subscribers, certificates of the amounts deposited by them, whenever required to do so by said depositors or subscribers.

Approved February 2, 1850.

CHAPTER 82.

AN ACT to change an election precinct in Letcher county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the precinct at the residence of Stephen Hogg, in Letcher county, be and the same is hereby changed to the residence of Isham Caudill, of said county, on the Poor Fork of Cumberland river.

Approved February 2, 1850.

CHAPTER 83.

AN ACT for the benefit of Amanda F. Watson.

Whereas, Amanda F. Watson has obtained a decree in the Adair Circuit Court divorcing her from her husband William Watson. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Amanda F. Watson be restored to her maiden name, Amanda F. Kinnaird.

Approved February 2, 1850.

CHAPTER 86.

1850.

AN ACT for the benefit of the heirs of Joseph G. Leonard, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Judge of the Union Circuit Court, upon petition filed by John Leonard, Sebastian Leonard, Joseph B. Spalding, and Isabella M. Spalding, late Leonard, said Spalding in his own right, and as guardian for Josephine Leonard and Mary Leonard, all of whom are heirs and devisees of Joseph G. Leonard, deceased, Matilda Leonard, deceased, and Gaspar Leonard, deceased, which petition must be sworn to by one or more of the petitioners, setting forth that they desire a sale of a tract of about seventy five acres of land, situate and being in Union county, on the Ohio river, and about one and a half miles therefrom; also, four and one half town lots in Uniontown, in said county, and a negro woman named Mary, aged about forty years; that they have each an undivided interest in said land, town lots, and negro woman, as heirs and devisees aforesaid; and that it will redound to the interest of the said infants, Josephine and Mary Leonard, for such sale to be made, to make a decree directing a sale of said land, town lots, and negro woman, upon such terms and credits as to the Court shall seem advisable: *Provided*, it shall appear to the satisfaction of said Court, by oral testimony or otherwise, that such sale will redound to the interest of said infants, Josephine and Mary Leonard.

Court may decree a sale on petition of heirs, &c.

SEC. 2. The Court may direct the interest of said infants in the proceeds of the sale of said land, town lots, and negro woman, to be vested in other property, or remain in the hands of said Spalding, their guardian, as aforesaid; and if decreed to remain in his hands, that bond, with ample surety, be required of him for a correct and true account of the same whenever required. Said Court shall have full power to appoint a commissioner to carry the decree of sale into effect, and make conveyance of title to the purchaser.

Court may direct investment of proceeds of sale of land, &c.

Approved February 2, 1850.

CHAPTER 87.

AN ACT for the benefit of Elijah and Elisha Cox, of Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Elisha Cox, and Elijah Cox, of Marshall county, be and they are hereby authorized and empowered to convey, by deed or otherwise, in as full and ample a manner as though they were of full age, to Alfred Johnston, his heirs, executors, or assigns, all the right, title, claim or interest that they or either of them have in and to two hundred and eighty eight acres of land in said

1850.

county, devised in part to them by their father Jas. R. Cox, deceased; the respective interest of each in said tract of land being the one seventh part thereof; the said Elisha and Elijah Cox being under twenty one years of age.

Approved February 2, 1850.

CHAPTER 88.

AN ACT to change the venue in the prosecution against John W. Owings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the venue of the prosecution, now pending in the Jefferson Circuit Court, against John W. Owings, on a charge of having murdered John Herr, Jr., shall be changed to the Bullitt Circuit Court, pursuant to the provisions of an act, entitled, an act prescribing the mode for a change of venue in criminal cases, approved February 28, 1846.

Approved February 2, 1850.

CHAPTER 89.

AN ACT for the benefit of Nancy Jane Rogers.

Whereas, Nancy Jane Rogers was bound by the Christian County Court to Daniel Walker; and whereas, the said Daniel Walker and Harriet, his wife, have requested by petition that the name of said Nancy shall be changed to Nancy Jane Walker, and adopted as their child and heir. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of said Nancy Jane Rogers be changed to that of Nancy Jane Walker, and she is hereby declared as the adopted child of said Daniel and Harriet Walker and their heir at law, and, as such, entitled to inherit their property and estate, any law to the contrary notwithstanding.

Approved February 2, 1850.

CHAPTER 90.

AN ACT to change the name of Malvina Jones, of Pulaski County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Malvina Jones, of Pulaski county, be changed to Malvina Smyth, and that she be made legitimate as a child and heir of Hiram Smyth, of said county, the same as if she had been born unto him in lawful wedlock.

Approved February 2, 1850.

CHAPTER 91.

1850.

AN ACT for the benefit of the heirs of Carter and Jane Lightfoot, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Judge of the Bourbon Circuit Court, upon petition filed, to decree a sale, on such terms and conditions as he may deem advisable, of a house and lot situate and being in the town of Paris, in Bourbon county, devised by Carter Lightfoot, deceased, a free man of color, to his wife, Jane Lightfoot, deceased, a free woman of color, and to direct the proceeds of sale to be applied to the purchase and emancipation of Hatley, the son of said Carter Lightfoot and Jane Lightfoot, who is now a slave and the property of Henry Stevenson of Scott county.

SEC. 2. That said petition may be filed by the administrator of the estate of the said Jane Lightfoot, deceased, to which said Henry Stevenson shall be made a defendant; said petition to allege all the facts of the case, the will of said Carter Lightfoot, his death, the death of the said Jane Lightfoot, and the desire of said Carter Lightfoot for the purchase and liberation of his son Hatley, and that there is no other estate by which the purchase and emancipation of said Hatley can be effected. The allegations of said petition to be sustained to the satisfaction of the Judge of said court by oral testimony or otherwise.

SEC. 3. That said Judge may appoint a Commissioner to sell and convey said house and lot and make all such further orders and decrees as may be necessary in the premises.

Approved February 2, 1850.

CHAPTER 92.

AN ACT to incorporate Clinton Lodge, No 82, and Clay Chapter, No. 28, in the town of Princeton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Clinton Lodge, No. 82, of the Masonic fraternity of the town of Princeton, in Caldwell county, be and they are hereby created a body politic and corporate, by the name and style of Clinton Lodge, No. 82, with perpetual succession, and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said Lodge; to receive all necessary conveyances, to sell, convey and dispose of all such real or personal estate as they may now have or hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall, at no time, exceed ten thousand dollars.

Clinton Lodge
Incorporated

May hold or
convey property
not over \$10,000
in value.

1850. **Sec. 2.** That the management of the concerns of said corporation shall be and is hereby confined to David Flournoy, R. H. J. Davidge, John J. McLin, J. H. Rackerby, and Richard Barnes, and their successors in office, as trustees thereof, who, or a majority of them, shall have power to make all contracts pertaining to the real or personal estate of said Lodge; and service of process, or notice, on any of said trustees shall be sufficient notice to said corporation.

Sec. 3. That the trustees named in the second section shall hold their office until the 24th day of June, 1851, when the members of said Lodge shall elect five trustees, and continue to hold their elections for trustees on the 24th day of June in each year: *Provided*, that said Board of Trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of the State, as may be necessary to the management and safe keeping of the property and other interest of the Lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole Board of Trustees to join in such conveyance.

Sec. 4. *Be it further enacted*, That the members of Clay Royal Arch Chapter, No. 28, in the town of Princeton, be and the same are hereby, also, incorporated, under the name and style of Clay Royal Arch Chapter, No. 28, with the same rights, powers, and privileges, as are granted Clinton Lodge, No. 82, in the foregoing sections; the concerns of said Chapter to be under the management of the High Priest, King, and Scribe of said Chapter, for the time being, and their successors in office, as trustees thereof; and the Legislature reserves to itself the right to change, alter or amend this act at pleasure.

Approved February 2, 1850.

CHAPTER 93.

AN ACT to incorporate the town of Elizabethtown.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Elizabethtown, as laid off and described in a plat now on record in the Hardin County Court Clerk's office, in deed book W, on pages 340 and 341, (the survey bearing date 18th July, 1846, and signed by L. E. Schultz,) shall be known and is hereby declared to be the extent and limits of said town. That, hereafter, the prudential, fiscal and municipal concerns of said town shall be vested in seven Trustees, who shall be elected annually, on the first Monday in April, by the free white male inhabitants of said town over the age of twenty one years, and who shall have resided

in said town six months previous to said election ; which Trustees shall hold their offices for the term of one year, and until their successors shall be elected and qualified. That said Trustees, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, or judicial officer, of the county of Hardin, that they will faithfully, and without favor or affection to any one, discharge the duties of Trustees to said town during their continuance in office. And in case a vacancy shall take place in said Board, the Board shall have power to fill said vacancy. That no person shall be a Trustee of said town who is not, at the time of holding the same, a citizen thereof, and who has not resided therein at least twelve months previous to said election, and who is not a real estate owner.

SEC. 2. That said Trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "the Board of Trustees of Elizabethtown," and, by that name, shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places ; and may use either a common or private seal ; and do all acts, and matters, and things, which a body politic or corporate, having perpetual succession, can lawfully and rightfully do.

SEC. 3. That said Trustees shall have power to make and receive all necessary conveyances in relation to said town ; they shall have power over the streets, alleys, side walks, and public square now in said town or which may hereafter be opened ; or, where the interest of the town may be thereby promoted, to close up or change alleys, or open new ones on paying the owners such damages as may be assessed ; may direct the improvement of the same in such manner as they may deem most beneficial to the interests of said town. They shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the laws and constitution of this Commonwealth. They shall have power to levy and collect a tax upon the real estate, as well as a poll tax upon all legal voters of said town, so as not to exceed in any one year the sum of five hundred dollars. They shall also have power to tax all groceries, auction sales, shows, and exhibitions for money, such sum as they by their by-laws may declare. They shall have power to suppress all tipling houses, and to fine all those who may violate their by-laws, any sum not exceeding twenty five dollars, for each offence, which may be recovered before the Police Judge. They shall have power to declare what are nuisances within said town, and may, by their order, direct the same to be abated ; or may, by their by-laws, im-

1850.

Term of office.

To take oath.

Vacancies—
how filled.

Who eligible.

Corporate
name and pow-
ers.

Trustees may
receive & make
conveyances.

Have control
over streets, al-
leys, &c.

To make by-
laws.

Levy tax on
citizen and prop-
erty.

Tax shows,
&c.

Suppress tip-
pling houses, and
recover fines for
violations.

1850.

May organize
fire companies.

pose a fine on whomsoever may have caused the same. They shall have power to provide for the security of said town, by organizing one or more fire companies, defining their duties, and punishing, by adequate fines and other penalties, those who fail to perform the duties required of them. They shall have power to regulate the market, and to erect a suitable Market House, and prescribe the duties of the Market Master. They shall have power to purchase, and receive a conveyance for, any quantity of ground within the limits of said town, not exceeding one acre; or within one mile of the town, not exceeding ten acres; on which it shall be lawful for said Trustees to erect a work house, under the direction of a majority of the said Board; to ordain and declare the rules and regulations for the government of said work house, and ordain what shall be the compensation of the officers thereof—the offices to be created for the government of the house by the Board of Trustees, but to be elected by the qualified voters of the town.

Erect a work
house; the offi-
cers of which to
be elected.

Power of trust-
ees over the bu-
rying ground.

SEC. 4. The said Trustees shall have the superintendence of the grave yard and burying ground near said town and partly within its bounds, and also of the addition purchased under an act approved 10th February, 1845, entitled, "an act to repeal the act enlarging the powers of the Trustees of the town of Madisonville, and for other purposes." They shall have power to appropriate, from time to time, as much money as may be necessary to keep the said burying ground properly enclosed and improved. And, whereas, the Trustees of said town have laid off a portion of said lot into small lots, for family rights, part of which have been sold and a part yet remain unsold. It is therefore further enacted, that the proceedings of the former Board, in laying off said lot, be confirmed and declared lawful, and that the proceeds of sales of family burial lots already made, and of those hereafter to be made, shall be set aside for the especial purpose of improving the ground. The Board may, by their by-laws, impose a fine, not exceeding twenty dollars, on any person committing any trespass upon the burying ground or its improvements; and may also recover the price for which any family lot may have been, or may hereafter be, sold. Said Trustees may also, when necessary, buy additional ground adjoining to, or at a convenient distance from, the present ground, and may make and adopt such rules and regulations in relation thereto as they may deem best—with power to lay off and sell family burial rights or lots as named above.

Clerk & treas-
urer to be ap-
pointed by the
Board: treasurer
to give bond.

SEC. 5. The said Trustees shall appoint a Clerk and a Treasurer; the Treasurer may be appointed from their own body, or from any citizen of the said town, who shall give bond, to be approved of by the Board, in such penalty as the Board may direct, conditioned to receive and faithfully disburse all funds or taxes which may come into his hands

according to the orders of the Board of Trustees. Each of said officers to continue in office for one year.

1850.

Sac. 6. It shall be the duty of the Treasurer and Clerk to keep a record of the proceedings which properly belong to their respective offices, and each to be allowed a reasonable compensation by the Board of Trustees. And it shall be the duty of the Treasurer to render an account to the said Trustees of all money received and paid out by him, whenever required by them so to do.

Duty of Clerk and Treasurer.

Sac. 7. That it shall be the duty of the Trustees to appoint one of their own body to preside at all their meetings, to be styled "President of the Board of Trustees;" and that no money shall be drawn from the Treasury except by order of the President, in pursuance of allowances made by said Board. A majority of the Board shall always constitute a quorum for the transaction of business, and, in the absence of the President, may elect a President for the time being.

President to be appointed.

Sac. 8. A Police Judge, Town Marshal, and Market Master, shall be elected on the first Monday in April next, by the qualified voters of said town—each to hold their offices for the term of one year, and until their successors are appointed and qualified. And the said officers shall, in like manner, be elected by the qualified voters of said town, annually, at the same time of electing Trustees. The polls of the election of Trustees, Police Judge, Town Marshal, and Market Master, shall be returned to the County Court of Hardin county, at the first term after said election, and the said County Court shall certify the result of the election, so far as the election of Police Judge is concerned, to the Governor of the State, whose duty it shall be to issue a commission for the person elected to the office of Police Judge, and who shall be a judicial officer, to be styled "the Police Judge of the town of Elizabethtown."

Police Judge, town Marshal & Market Master; how to be elected, & term of office.

Polls to be returned to County Court.

Governor to commission Police Judge.

Sac. 9. The Police Judge shall, before he enters on the duties of his office, take an oath before some Justice of the Peace, or judicial officer, of Hardin county, to discharge the duties of his said office faithfully and impartially, to the best of his ability, without favor or affection, together with such other oaths as other public officers may be required by law and the constitution to take. The said Police Judge shall have jurisdiction within the limits of said town, and for one mile in every direction from the town boundary, in all cases, civil and criminal, in which Justices of the Peace have jurisdiction, except as a Court of Enquiry in criminal cases, in which he shall have the jurisdiction now given by law to two Justices of the Peace, with powers, in that particular, to the extent of the county; and shall proceed, in like manner, as said two Justices are required to proceed in criminal cases. He shall have jurisdiction of all offences arising under the by-laws of said town, and shall have

To take oath.

1850.

power to enter judgment and award execution accordingly. He shall have power and authority to grant injunctions or restraining orders in chancery, writs of *ne exeat*, and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain Justices of the County Courts to grant injunctions, writs of *ne exeat*, and *habeas corpus*; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace. He shall have power to issue summons for witnesses to give evidence in cases pending before him, and upon their failure to attend to issue compulsory process to compel their attendance, as in cases of attachment for contempt. He shall have power to fine and imprison for contempt: *Provided*, that said fine shall in no case exceed ten dollars, nor the imprisonment twelve hours. He shall have power to order the Marshal to summon a jury in any cause cognizable before him, when a jury would be required before a Circuit Court or a justice of the Peace, and to compel their attendance. He shall be a conservator of the peace, and shall, *ex officio*, proceed against violators of the by-laws, without the need of an informer. It shall be lawful for said Police Judge to take depositions in the county of Hardin, and certify the same when they are to be read as evidence in any cause pending in any Court in this Commonwealth. He shall be entitled to the following fees, to-wit: for a peace warrant, or for a riot, rout, or unlawful assembly, or breach of the peace, fifty cents; for issuing a warrant for a violation of the by-laws of said town, or in any case where the Trustees are plaintiffs, twenty five cents; issuing a subpoena for witness, in any case, twelve and a half cents; for swearing a jury and presiding over a trial, in any case except forcible entry and detainer, fifty cents; for taking recognizance to keep the peace, upon the application of any person, fifty cents, to be charged to the applicant; all other fees of said Judge shall be the same as those allowed to Justices of the Peace for like services, and to be collected in the same way.

His fees.

SEC. 10. That upon all judgments rendered by the said Police Judge, either party shall have the right to appeal from said judgment, in the same manner that appeals are taken from judgments of Justices of the Peace in similar cases.

SEC. 11. That it shall be the duty of the Town Marshal to attend the sittings of the Court to be held by the Police Judge; to serve all process and precepts, and collect all executions to him directed from the Police Judge, and make due return thereof; in doing which, he may go to any part of the county. He shall collect all taxes of said town, executions, and other demands which may be put into his hands to collect, and account for and pay over the same

Duty of Marshal; liable to be motioned as Sheriff or Constable.

to whoever may be entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions and other demands; and for a failure to perform any of the duties required of him, he shall be subject to the same proceedings which may be had against Sheriffs and Constables in similar cases. The said Marshal shall be entitled to the same fees for collecting the town tax, that Sheriffs are entitled to for collecting the county levy; and in all other cases the same fees allowed Constables for similar services: *Provided, however*, that said Police Judge shall have power and authority to direct his process to be executed by any Constable of the county: *And, provided further*, that said Marshal shall be invested with all power and authority which is given to Constables in all cases cognizable before said Police Judge. And before the said Town Marshal shall proceed to the execution of the duties of his office, he shall take an oath before the Board of Trustees, to be administered by the President or Clerk of the Board, that he will faithfully and impartially execute the duties of his office, without fear, favor or affection; and shall, also, give bond, with good security, to be approved of by the Board, in such penalty as the Board may fix, conditioned for the faithful discharge of the duties of his office, and, upon which, he may be liable to motion before the Police Judge, or to motion or suit in any Court of said county having jurisdiction, in similar cases, on bonds of Constables, for failure to discharge any duty or to pay over any taxes or money which ought to have been collected by him.

Sec. 12. That all fines and forfeitures for a violation of the ordinances of said town, in all cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of the Board of Trustees for the use and benefit of said town, any law to the contrary notwithstanding.

Sec. 13. That all contracts entered into by, or with, the former Trustees of Elizabethtown, shall be obligatory on the Trustees to be elected under this act.

Sec. 14. That the first election to be held under this act shall be held by the Sheriff of Hardin county, or one of his deputies. In case of their absence, then by the Clerk of the Hardin County Court, or one of his deputies. But that all subsequent elections, shall be held by the Clerk of the Board of Trustees. In case of his absence or death, then by the Sheriff of the county or Clerk of the County Court as above named.

Sec. 15. *Be it further enacted*, That all acts or parts of acts coming in conflict with the provisions of this act, shall be and the same are hereby repealed.

1850.

Fees.

Police Judge may direct process to Constable.

Marshal to take oath and give bond.

Liable to motion on suit.

Fines for violation of town ordinances to be paid over to the town Treasurer.

Elections, by whom to be held.

Repealing clause.

Approved February 2, 1850.

1850.

CHAPTER 94.

AN ACT for the benefit of John J. Chittenden, of Boone county.

Names of children changed, and they are legitimatised.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the names of Thomas Johnson Rawlings and James Willis Rawlings, children of Ellen Chittenden, formerly Ellen Rawlings, be and they are hereby changed to Thomas Johnson Chittenden and James Willis Chittenden, and that they be made capable of inheriting the estate of John J. Chittenden, as though they had been born in lawful wedlock.

Approved February 2, 1850.

CHAPTER 95.

AN ACT to amend the act, entitled, an act in relation to the Frankfort and Paris Fire Companies.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the first section of the act, entitled, "an act in relation to the Frankfort and Paris Fire Companies," approved February 22d, 1839, be and the same is hereby amended, so as to allow ten additional members to said Frankfort Fire Company. And said Company shall have the power to establish, from the members now belonging to it, or shall hereafter be attached to it, a hook and ladder department, or company, to act under the direction of said company.

Sec. 2. *Be it further enacted,* That said Frankfort Fire Company shall hereafter be called and known by the name of the "Water Witch Company, Number One."

Approved February 2, 1850.

CHAPTER 96.

AN ACT for the benefit of the Sheriffs of Calloway and Fayette counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriffs of Calloway and Fayette counties be and they are hereby respectively allowed until the first day of May next, to pay into the Public Treasury the balance of the revenue tax due by them respectively for the year eighteen hundred and forty nine: *Provided,* that the sureties of said Sheriffs shall, on or before the seventh day of February next, file in the Clerk's offices of their respective County Courts their assent, in writing, to the indulgence hereby granted.

Approved February 7, 1850.

CHAPTER 97.

1850.

AN ACT to incorporate the German Benevolent Society of Newport.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Daniel Wolff, Adam Skeiner, Jacob Gugel, John B. Weythinan, Charles Henn, L. Doy, and D. Otton, and their associates, of the city of Newport, in Campbell county, Kentucky, and their regular successors, are hereby created a body politic and corporate, by the name and style of the German Benevolent Society of Newport, Kentucky; and by that name are hereby vested with full power and authority to acquire, hold, use, and enjoy, real and personal estate to the amount of thirty thousand dollars, and to sell and convey, or otherwise dispose of the same, under such by-laws, rules, and regulations, as may be by them adopted: *Provided*, that such by-laws, rules, and regulations, be not contrary to the Constitution of this State, or of the United States; and said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and to have and use a common seal, and the same to alter at their pleasure. That the powers hereby granted shall not be used in banking, insuring property, or doing any thing not expressly granted by the provisions of this act.

SEC. 2. That the right of any future Legislature to alter, amend, or repeal this act is hereby reserved.

SEC. 3. That this act shall become inoperative and void if the members shall, at any time, neglect, for the space of five years, to use the same for the purposes herein contemplated.

Approved February 8, 1850.

CHAPTER 98.

AN ACT for the benefit of Mary Ann Jenkins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Mary Ann Jenkins, one of the heirs of William Headley, deceased, late of Fayette county, is relieved from the disabilities of minority, so far as to enable her, in conjunction with her husband, to sell and convey all her rights, title, and interest, in the estate of said William Headley; which, when done, shall be as valid and binding as if she was of full age.

Approved February 8, 1850.

1850.

CHAPTER 99.

AN ACT extending the Mechanics lien laws to the county of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of an act, entitled, an act for the benefit of the Mechanics of the city of Louisville, approved December 22d, 1831, and the amendment thereto, approved February 22d 1834, shall apply to the county of Henderson; and all suits authorized by said acts, so far as said county of Henderson is concerned, shall be brought in the Henderson Circuit Court.

Approved February 9, 1850.

CHAPTER 100.

AN ACT appointing Commissioners to convey lots in Perryville.

Whereas, it is represented to this General Assembly, that a part of the public ground in the town of Perryville, now Boyle county, lying on the west side of Chaplin, and within the bounds of Water street as originally laid off, has been sold by Commissioners, authorized and appointed by two acts of Assembly—one approved 24th January, 1827, the other the 20th February, 1835—and that said Commissioners have all departed this life, removed away, or since become interested in said property, without having executed deeds of conveyance to the purchasers of said lots of ground. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That J. A. Burton, S. P. Burton and J. B. H. Latimore be and they are hereby appointed Commissioners, who shall, on the part of the town of Perryville, make and execute to the purchasers of such lots of ground as have not heretofore been conveyed, deeds of conveyance—the purchasers first making satisfactory proof to the Boyle County Court that they have made full payment for their respective lots, and the fact of such proof being made entered on the minute book of said County Court.

Approved February 9, 1850.

CHAPTER 101.

AN ACT to change the name of William Harrison Shull, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of William Harrison Shull, of Warren county, be and the same is hereby changed to the name of William Harrison Eaton; and he is hereby rendered as fully capable of inheriting the estate of James and Amanda M. Eaton, whose son he is, as though he had been born in lawful wedlock.

Approved February 9, 1850.

CHAPTER 102.

1850.

AN ACT to allow an additional Justice of the Peace to Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional Justice of the Peace is hereby allowed to the county of Crittenden, who may reside in the town of Marion in said county.

Approved February 9, 1850.

CHAPTER 103.

AN ACT to amend the act establishing a precinct at Providence School House, in Trimble County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the law giving the qualified voters of Trimble county the right to vote at the Providence School House, in said county, for electors for President and Vice President only, be and the same is hereby so amended as to give the said voters, hereafter, the right to vote at said house at all elections, for all officers elected by them, under the same rules and regulations that now govern all elections in this Commonwealth.

Approved February 9, 1850.

CHAPTER 104.

AN ACT granting an additional precinct to Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional precinct be and the same is hereby established in the county of Wayne, at John Dearing's on Otter Creek in said county, to be subject to and governed by the same laws in relation to elections as pertain to other precincts established by law.

Approved February 9, 1850.

CHAPTER 105.

AN ACT to establish an election precinct in McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established an election precinct at the house now occupied by Samuel Rice, in the county of McCracken, which shall be governed by the laws in relation to election precincts.

Approved February 9, 1850.

1850.

of such school or schools as said church, by its Session, may establish for the purpose of securing a sound Christian education, and requested that said Trustees should apply to the Legislature of Kentucky for such power as might be necessary to enable them to hold, manage, and use, said amount for the purposes aforesaid; and whereas, said Trustees have made application to the Legislature for such power. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Tilman Hocker, James Blain, George F. Lee, George B. Anderson, Walter Nichols, and George W. Welsh, and their successors in office duly appointed, be and they are hereby incorporated and made a body politic and corporate, under the name and style of the "Trustees of the Parochial School of Hanging Fork Presbyterian Church;" and by that name shall have perpetual succession, and may use a common seal or their individual seals or scrolls; may sue or be sued, plead and be impleaded, in any court of law or equity in the Commonwealth of Kentucky; and do all other matters and things incident to corporate bodies.

Sec. 2. That said Trustees, and their successors, by the name aforesaid, shall be capable, and they are hereby invested with full power, to purchase, receive, and hold, to them and their successors, any lands, tenements, goods, chattels, hereditaments, books, philosophical apparatus, which may be purchased by, given to, or devised to them; also take, receive, hold and apply any legacy, donation, or bequest which may be devised, granted, or bequeathed to them for the use and benefit of said school.

Sec. 3. That said school shall be located in the town of Hustonville or its vicinity, and be under the care of the Trustees of the Hanging Fork Presbyterian Church, who shall have the right to visit and supervise the same.

Sec. 4. That said Trustees shall have full power to have all necessary buildings erected for the benefit of said school, and employ competent teacher or teachers to take charge of said school, and shall have power to remove the same.

Sec. 5. That said school shall be under the control and management of the Trustees of said school, and their successors; and when any vacancy shall occur in said Board by resignation, death, or otherwise, the same shall be filled by the Session, or a majority thereof, of the Hanging Fork Presbyterian Church.

Sec. 6. That a majority of said Trustees shall be sufficient for the transaction of business.

Sec. 7. That said Trustees, and successors when appointed, shall have power to appoint a President, Secretary, and Treasurer.

Sec. 8. That said Trustees shall have full power to loan

out and use any funds which may belong, or which may be hereafter given or devised or received by them for the use and benefit of said school.

1850.

Sec. 9. That the Trustees of the Hanging Fork Presbyterian Church, (Tilman Hocker, James Blain, and George F. Lee.) be and they are hereby authorized to pay over to the Trustees of said School any moneys that they may receive under the provisions of the will of said David Williams, for the purpose aforesaid, and which payment, when made, shall be good, valid, and binding in law.

Sec. 10. That said Trustees shall have full power to make all by-laws, rules, and regulations, for the government of themselves and said school, not incompatible with the laws and constitution of the Commonwealth of Kentucky; and shall also keep a record book of their proceedings—the minutes of which shall be attested by the President of the Board.

Sec. 11. The Legislature shall, from time to time, have power to alter, change or amend this charter.

Approved February 9, 1850.

CHAPTER 110.

AN ACT to change the names of Richard Simpson Lake and Francis Lake.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the names of Richard Simpson Lake and Francis Lake, illegitimate children of William Hill, be and are hereby changed to Richard Simpson Hill and Francis Hill, and they are hereby legitimized and made capable in law of inheriting the estate, real, personal, or mixed, from their father, the said William Hill, as fully and perfectly as though they had been born in lawful wedlock.

Approved February 9, 1850.

CHAPTER 111.

AN ACT allowing the Meade County Court to change a part of the State road from Brandenburg to Bowlinggreen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Meade County Court, (a majority of all its members being present,) to change that part of the State road from Bowlinggreen to Brandenburg which passes through the lands of Saxon Richardson, John Wimp, and Dudley Jones, upon the application of said Saxon Richardson; and, in making said change, they shall be governed by all laws now in force upon the subject of changing public roads, over which the several County Courts have control: *Provided,* that said Richardson shall open a good road and remove all stumps and other obstructions therein.

Approved February 9, 1850.

1850.

CHAPTER 112.

AN ACT for the benefit of Lewis Sowards.

Whereas, it is represented to the General Assembly, that Lewis Sowards has built a mill dam across the Louisa fork of Sandy river, above Pikeville, in Pike county, at a site owned by said Sowards, under the direction of the Pike County Court, in pursuance to an act, approved 4th March, 1843, for the benefit of Lewis Sowards. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the dam, as now erected by said Sowards, be and the same is hereby legalized: *Provided*, he shall not be authorized to build said dam any higher, than he is now permitted to do by the Pike County Court, without incurring the penalties of the law for obstructing navigable streams.

SEC. 2. That so much of the act recited in the preamble, as authorizes the Pike County Court to remove said dam at the expense of said Sowards, is hereby repealed.

Approved February 9, 1850.

CHAPTER 113.

AN ACT to repeal all laws requiring hands to work upon Licking river, so far as relates to Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws heretofore passed requiring hands to be assigned to Licking river, to work the same, shall, so far as such laws apply to the county of Pendleton, be and are hereby repealed: and that it shall be the duty of the County Court of said county, to so district said county as to embrace, within the several road districts thereof, all the hands which may have heretofore been assigned and required to work upon said river: *Provided, however*, that said Court shall, at their April or May term, (a majority of the Justices thereof being present,) concur therein.

Approved February 9, 1850.

CHAPTER 114.

AN ACT for the benefit of A. J. Spear, late Sheriff of Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That A. J. Spear, late Sheriff of Owsley county, be and he is hereby authorized to collect any revenue tax, county levies, or fee bills, that may be due and coming to him for the year 1844, in as full and complete a manner as the said Sheriff could do was he now in office; and this privilege is extended to him for twelve months from the passage of this act, and no longer.

Approved February 9, 1850.

CHAPTER 115.

1850.

AN ACT further to amend the charter of the Clark's Run and Salt River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Clark's Run and Salt River Turnpike Road Company be so amended as to extend said road from its present terminus, near Union Meeting House, to the Marion county line, in the direction of Lebanon; and that the capital stock of said company be increased to thirty thousand dollars.

Approved February 9, 1850.

CHAPTER 116.

AN ACT for the benefit of Fanny Parker.

Whereas, George Parker, a free man of color, now deceased, was, in his life time, seized of a lot of ground in the town of Frankfort, and said Parker was never married to his wife Fanny, alias Fanny Parker, subsequent to his emancipation and that of his said wife. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Fanny Parker be and she is hereby declared capable of inheriting the fee simple title to the said lot of ground, as the heir at law of said George Parker, deceased, as though she had been lawfully married.

Approved February 9, 1850.

CHAPTER 117.

AN ACT for the benefit of Thomas B. Clinton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the venue in the case of the Commonwealth of Kentucky against Thomas B. Clinton, now pending in the Logan Circuit Court, on an indictment for burglary, be and the same is hereby changed to the county of Muhlenburg, pursuant to the provisions of an act providing for a change of venue in criminal cases, approved February 23d, 1846.

Approved February 9, 1850.

CHAPTER 118.

AN ACT for the benefit of Samuel Lewis and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Catharine Lewis, late Webster, to join with her husband, Samuel Lewis, in any conveyance of the real estate descended to said Catharine from her father Zephaniah Webster, and such con-

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veyance shall be as effectual to pass the title of said Catharine as though she were twenty one years of age: *Provided*, that, before any such conveyance shall be made, the said Samuel Lewis shall execute bond, with good security, in sufficient penalty, before the Judge of the Washington Circuit Court, which bond shall be made payable to the Commonwealth, and shall be conditioned that said Samuel Lewis will invest the proceeds of the aforesaid land in other lands, taking the conveyance for the same to the said Catharine. The said Catharine, as relator, should she survive the said Samuel, may sue for any breach of said bond, and should said Samuel survive her, then may either her lineal or collateral heirs, (as the case may be,) sue for any breach of the same.

Approved February 9, 1850.

CHAPTER 120.

AN ACT for the benefit of Mary Ridge and Maria Davenport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Mary Ridge, of Lincoln county, be changed to that of Mary King; and that said Mary King and Maria Davenport, late Maria Donham, wife of Henry Davenport of said county, be legitimatized, and made capable, in law, of inheriting the estate of their father, David H. King, in the same manner, and to the same extent, as if they had been born in lawful wedlock.

Approved February 9, 1850.

CHAPTER 122.

AN ACT to amend the charter of the Bowlinggreen Portage Railway Company.

Penalty for in-
jury to road or
fixtures.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person or persons shall, wilfully, by any means whatever, injure, impair, or destroy, any part of the timbers, iron railway, or the embankments of said Railroad Company, made agreeable to the provisions of said charter, or any of the necessary works, buildings, carriages, vehicles, or machinery of said Company, or any necessary signs said Company may erect on their railway tract, or at either end thereof, such person or persons, so trespassing and offending, if a white person or persons, shall forfeit and pay to said Company ten dollars in damages, recoverable before any Justice of the Peace; and if a slave shall thus offend, without the knowledge or direction from his master, he or she, upon conviction of such offence before any Justice of the Peace, shall receive any number lashes, not exceeding thirty nine; and if it shall appear

that said slave or slaves did so offend by order of their master, the said master shall forfeit and pay said Company ten dollars as aforesaid. This act shall not prevent said Railroad Company from suing in the Circuit Court for damages, where ten dollars shall be inadequate to the same.

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Approved February 9, 1850.

CHAPTER 123.

AN ACT to amend an act, entitled, an act to incorporate the Hopkinsville and Cumberland River Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the name of the Company incorporated by the act, entitled, "an act to incorporate the Hopkinsville and Cumberland River Railroad Company," be and the same is hereby changed, to the "Kentucky and Mississippi Railroad Company;" and that that Company be and is hereby authorized to extend their Railroad to such point on the Mississippi river as may be deemed expedient; and for that purpose they may, at the pleasure of the Directors, borrow the amount of money by them deemed necessary, upon the bonds of the Company, and may so increase their capital stock as to raise the sum they may deem requisite for the construction and successful management of said road; and that the third section of said act be repealed.

Name and style of company changed.

May extend Railroad to Mississippi river.

May borrow money, or increase capital stock.

SEC. 2. That the first and sixth sections of said recited act be so amended that any three of said Commissioners shall have full power and authority to do and perform all and every thing which a majority of said Commissioners are authorized to do and perform by said first and sixth sections; and that the second section of said act be so amended in the fifth and sixth lines thereof, as to read "one thousand shares" instead of "two thousand shares," and in the twelfth and thirteenth lines of said second section, so as to read twenty two thousand acres exclusive of the route of the road and the depots; and that this act, and the act to which this is an amendment, shall take date and be in effect from and after the passage of this act.

Three Commissioners may act.

Amount of shares reduced, &c.

SEC. 3. That so much of the eighteen section of said act, which exempts the shares of the capital stock of said Company, and all the estate, real and personal, belonging thereto, from the imposition of taxes by this Commonwealth for the term and space of thirty years, be and the same is hereby repealed.

Clause of original charter exempting property from taxation repealed.

SEC. 4. The Legislature, notwithstanding this act, shall have power to incorporate a Company to construct a Railroad running centrally through the State connecting with Baltimore or Norfolk towards the Ohio or Mississippi rivers, or with both.

Legislature may incorporate other companies for Railroads, &c.

Approved February 9, 1850.

1850.

CHAPTER 124.

AN ACT to incorporate the Cynthiana and Williamstown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company is hereby created a body politic and corporate, by the name and style of the Cynthiana and Williamstown Turnpike Road Company, for the purpose of constructing a road on the McAdams plan, or with wood or both, from Cynthiana to intersect the Covington and Lexington Turnpike at or near Williamstown.

SEC. 2. That the capital stock of said Company shall be \$80,000, divided into shares of one hundred dollars each. Subscriptions for stock in said Company shall be opened at Cynthiana, Colemansville, and Williamstown, as soon as convenient after the passage of this act, and may be continued open as long as may be deemed necessary by the Commissioners here named, viz: at Cynthiana, Benson Roberts, J. V. Bassett, George H. Perrin; at Colemansville, George W. Berry, A. Hume, Lewis McMurtry; at Williamstown, John F. Gooch, A. G. Linn, and William Smith.

SEC. 3. That each class of Commissioners shall procure one or more books, and the subscribers therein shall sign an obligation of the following tenor, viz: "We whose names are hereunto subscribed do, respectively, promise to pay to the Cynthiana and Williamstown Turnpike Road Company the sum of \$100 for each share of stock set opposite our respective names, in such proportions and at such times as may be determined on by said corporation."

SEC. 4. That so soon as a sum sufficient, in the opinion of said Commissioners, to justify the commencement of said work shall be subscribed, it shall be the duty of said Commissioners, or such of them as may act, to give notice of a meeting of the stockholders in the town of Colemansville, for the purpose of organizing said Company, by choosing its officers. The notice to be given for two weeks by advertisement at the tavern doors in Cynthiana, Colemansville, and Williamstown; and that votes, in choosing the officers, shall be regulated by the number of shares, allowing one vote for each share.

SEC. 5. That the entire width of said road shall be thirty feet, and the artificial part thereof covered with stone or wood sixteen feet.

SEC. 6. That so soon as said Company shall be organized, the President, Directors, and other officers, shall possess all the powers, authority, rights, and privileges, pertaining to other turnpike road corporations; may sue and be sued, plead and be impleaded, in all the Courts of this State; and may have and use a common seal, and alter or destroy the same at pleasure; and shall and may do all acts and things necessary for constructing, carrying on, and com-

pleting said road, as well as laying out and locating the same; and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, (if any,) and shall be entitled to like tolls and profits as are given and granted to the Covington and Lexington Turnpike Road Company by its charter; and that the provisions of the charter of the Covington and Lexington Turnpike Road Company are hereby enacted as a part hereof, except so far as provided for in the preceding part of this act, or may conflict with the same.

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SEC. 7. That the grade of said road shall be fixed at whatever degree of elevation said Company may direct; and the number of gates shall not exceed one for every five miles of said road.

Grade of road to be fixed, &c.

SEC. 8. That said Company may erect a gate whenever any one section thereof shall be completed to the extent of five miles, and no gate shall be located within a less distance than one mile of either of the towns above named.

May erect gate when five miles of road is done, &c.

SEC. 9. That nothing herein contained shall authorize any subscription of stock in said Company by this State.

State not to take stock in road.

Approved February 9, 1850.

CHAPTER 126.

AN ACT to amend an act, entitled, an act to incorporate a Turnpike Road Company from Versailles to Nicholasville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to incorporate a turnpike road company from Versailles to Nicholasville, be so amended as to declare that said road be forty feet in width, twenty three feet grade, and sixteen feet metal.

Width of road.

SEC. 2. That any person or persons who now work said road, or whose lands adjoin said road, who has or may hereafter subscribe shares in said road, shall have one hand exempted from working upon any road for every share so subscribed and paid to the Treasurer of said road, so long as the owner of said slave shall live within one mile of said road.

Hands of stockholders exempted from working on roads, &c.

SEC. 3. That the County Courts of Woodford and Jessamine, the Trustees of the towns of Versailles, Nicholasville, and Keene, may and are hereby authorized to subscribe stock in said road, and any stock heretofore subscribed by them is hereby legalized.

County Courts, &c., may take stock.

Approved February 9, 1850.

1850.

CHAPTER 128.

AN ACT to amend an act, entitled, an act for the benefit of the heirs of Simeon H. Anderson, deceased, approved January 15, 1848.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act for the benefit of the heirs of Simeon H. Anderson, deceased, be and the same is hereby so amended as to authorize the Judge of the Boyle Circuit Court to render a decree in the case of Simeon H. Anderson's heirs, by Guardian, on petition vs. J. T. Boyle and wife, &c., filed in pursuance of the aforesaid act, appointing William Owsley, J. T. Boyle, and William C. Anderson, or any two of them, to make private sale of the real estate provided for in said act: *Provided*, that the price at which they make such sale shall not fall below the price fixed by said court.

SEC. 2. That the Judge of the Boyle Circuit Court be and he is hereby authorized to render a decree, approving and confirming any sale made by the said Commissioners, or any of them, appointed by the said Circuit Court in pursuance of the act to which this is an amendment, and such sale shall be deemed as valid as if made by all the Commissioners jointly: *Provided*, that the said sale was not below the price fixed by the said court.

Approved February 9, 1850.

CHAPTER 130.

AN ACT for the benefit of Jordan D. Cozatt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jordan D. Cozatt, a Deaf Mute, of Mercer county, be and is hereby authorized and permitted to remain one year longer, as a pupil in the Deaf and Dumb Asylum at Danville, on the same terms, and under the same privileges, which he enjoyed during the five years he has already passed at said Institution.

Approved February 12, 1850.

CHAPTER 131.

AN ACT to establish a State road in the counties of Ballard and McCracken.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Calhoun, Nehemiah Williams, and James B. Wiley, of the county of McCracken, and John Ross, D. W. Thompson, and John A. Moore, of Ballard county, or any four of them, after being first duly sworn, shall proceed to the town of Paducah and view a way from thence to a point at or near the mouth of the Ohio river, the nearest and best way. And when they shall be satisfied as to the best and most direct route for a

Viewers appointed to view, mark a route for road from Paducah to mouth of Ohio, & report.

road from and to the points aforesaid, that they cause the route, so selected by them, to be so marked and identified that there will be no difficulty in finding and pursuing the same; and it shall be the duty of said Commissioners to make a report, in writing, to the County Courts of Ballard and McCracken, designating therein fully and explicitly the route and ground over which said road shall pass.

SEC. 2. That upon the before mentioned report being made to the said County Courts, the route designated shall be and the same is hereby established a State road: *Provided*, that said County Courts, a majority concurring therein, shall deem the establishment of said road right and proper; and it shall be the duty of said courts to lay off said road into convenient precincts, and appoint surveyors of the same, and allot a sufficient number of hands to each, to clear out and improve said road within each of their respective counties; and that said surveyors shall cause said road to be cleared out not less than twenty feet nor more than thirty feet wide, and the same shall be cleared so as to admit of safe and convenient passage.

SEC. 3. That said Commissioners shall be paid the sum of one dollar and fifty cents for each and every day they may be necessarily employed in the discharge of the duties herein assigned them, to be paid equally by the counties of Ballard and McCracken, out of the levy of said counties, to be allowed by said County Courts.

SEC. 4. That it shall not be lawful for the County Courts of said counties, through which said road passes, to alter or change the location of the same, in any way, after the same shall have been viewed and reported as aforesaid; but it shall be their duty, at all times thereafter, to appoint surveyors or overseers of all the precincts of said road, and allot to each surveyor a sufficient number of hands to keep the same in repair; and the said surveyors and hands thereof shall be governed by the same laws and regulations as are now or hereafter may be in force in this State, in relation to working and improving public roads.

SEC. 5. That any person or persons over whose lands said road may pass, shall have the right to obtain from the County Court of the county in which such lands lie, a writ of *ad quod damnum*, under the provisions of the general laws of this State; and the damages assessed under such writ shall be levied by said County Court, as directed by the provisions of the general road laws of this State.

Approved February 14, 1850.

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Road established, provided County Courts concur, who shall divide it into precincts, appoint Surveyors, and cause it to be opened.

Commissioners to be paid \$1 50 per day.

County Courts not to change said road, but shall keep it in repair.

Writs of *ad quod damnum* allowed.

1850.

CHAPTER 132.

AN ACT to charter the Stampingground and Frankfort Turnpike Road Company.

Company in-
corporated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the Stampingground and Frankfort Turnpike Road Company, for the purpose of constructing an artificial McAdamized road from the Stampingground, in Scott county, to intersect the Georgetown and Frankfort Turnpike Road; and that the capital stock of said company shall not exceed twenty thousand dollars, to be divided into shares of one hundred dollars each.

Stock.

Books to be
opened.

Commissioners
appointed.

Form of obli-
gation.

SEC. 2. *Be it further enacted*, That books for the subscription of stock in said company shall be opened on the first Monday in February next, or as soon thereafter as may be convenient, at the Stampingground under the direction of Dr. C. J. Blackburn, Z. Herndon, Moses Threlkeld, Joseph Jones, Dr. Ben. Rodgers, and John R. Ferguson, who are hereby appointed commissioners for that purpose; that the commissioners shall take from each and every person subscribing for stock in said company, in a book to be provided for that purpose, the following obligation, viz: "We, whose names are hereto subscribed, promise to pay to the President and Directors of the Stampingground and Frankfort Turnpike Road Company the sum of one hundred dollars for every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as may be required by the President and Directors of said Company. Witness our hands this day of 1850."

President and
Directors to be
elected.

Term of service,
and corporate
powers

SEC. 3. *Be it further enacted*, That so soon as the sum of six thousand dollars shall have been subscribed, the said commissioners shall, at such time and place as they may designate, call a meeting of the stockholders and hold an election for a President and six Directors, who shall hold their offices for the space of one year, and until others are duly qualified; and that said President and Directors, and their successors, shall be a body politic and corporate, under the style of the Stampingground and Frankfort Turnpike Road Company, and by said name said company shall have perpetual succession, with all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase thereof, and of purchasing and holding, to them and their successors, and of selling, transferring, and conveying, in fee simple, all such tenements and hereditaments, and estate real or personal, as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, and answer and be answered, in all courts of record; also to have a common seal, and to do all other acts which a corporation might lawfully do.

LAWS OF KENTUCKY.

SEC. 4. *Be it further enacted*, That it shall be lawful for said President and Directors to ordain and establish such by-laws as may be necessary for the benefit of the corporation; to appoint a Treasurer, employ such artists, engineers, and other officers, as may be necessary to carry on the contemplated work.

Treasurer and
officers to be
elected.

SEC. 5. *Be it further enacted*, That said road shall be leveled and graded twenty five feet in width, and its greatest elevation shall not exceed three degrees; that the part of it covered with McAdamized stone shall not be less than fifteen feet and be fully nine inches in depth.

Road, how
constructed.

SEC. 6. *Be it further enacted*, That the President and Directors of said company shall fix the location of said road on such route as they, in their judgment, may deem best.

Route.

SEC. 7. *Be it further enacted*, That so soon as the President and Directors and Company shall have completed four miles of said road, continuously, they shall call on three Justices of the Peace in the county, who are not interested in the stock of said company, to examine the work, and if they shall certify that the work has been made in conformity with the provisions of this charter, the certificate shall be recorded in the office of the County Court, and the President and Directors may cause a toll gate, or two half gates, to be erected at such points as they may think proper on said road, and may collect the tolls and duties herein granted to said company.

Toll gates
erected.

SEC. 8. *Be it further enacted*, That when the said gate or gates shall be erected, as aforesaid, it may be lawful for the President and Directors to appoint as many toll-gathers as they may deem requisite; and it shall be lawful for said toll-gathers to stop any person or persons riding, leading or driving any horse, mule, cattle, sheep, hogs, or other live stock, or any sulky, chair, buggy, cart, wagon, carriage, or other vehicle of pleasure or burthen, from passing through said gate or gates until they shall have paid toll agreeable to the following rates, viz: for every horse or mule, and rider, one cent per mile; for each horse, jack, or mule, led or driven, three cents for each gate of four miles; for each head of cattle, two cents; for each head of hogs, one half cent; for each sheep, one half cent; for each cart, gig or buggy, drawn by one horse or mule, ten cents; for each dearborn, barouch, buggy or fancy carriage, drawn by two horses or mules, twenty cents; for each hacking coach or stage, drawn by two horses or mules, twenty five cents; for each sleigh, five cents; for each pleasure carriage, with four horses or mules, thirty cents; for each wagon, drawn by two horses, mules or oxen, twenty cents; for each wagon, drawn by three horses, mules or oxen, thirty cents; for each wagon, drawn by four horses, mules or oxen, forty cents; and for each additional animal, added, ten cents additional toll may be exacted; for each stage coach, for six passen-

Toll gatherers,
their powers—
rates of toll—
printed lists.

LAWS OF KENTUCKY.

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gers, thirty five cents; and for each additional passenger, five cents may be charged; and every vehicle of any kind, with seats inside for more than twelve passengers, one dollar; for a dray or cart, drawn with one animal, ten cents; and for each additional animal, five cents may be charged on the same. It shall be the duty of the Company to keep printed lists of the above rates posted up at each gate.

Fine for evading payment of tolls.

SEC. 9. *Be it further enacted*, That if any person, liable to pay the toll aforesaid at either of the gates erected in pursuance of this charter, shall, with intent to defraud the Company aforesaid, pass through any private gate or bars, or along or over any ground or land near to or adjoining any of said turnpike gates, with intent aforesaid, or shall take or pass any stock or thing upon which toll is liable to be collected with intent to lessen or evade such toll or duty, or shall practice any other fraud or device, or use force, such person, so offending, for every such offence, shall be liable to a fine of not less than one dollar and not more than five, together with tolls which such offender should have paid, to be recovered before any Justice of the Peace as other debts of like amount.

Account to be kept.

Dividend of profits not to exceed 10 per cent.

SEC. 10. *Be it further enacted*, That the President and Directors shall keep a fair account of all the receipts and expenditures of the Company, which shall, at all times, be open to the inspection of any stockholder at their general meetings; they shall, at the end of every six months after the completion of said road, make a dividend of the clear profits, and pay it to the stockholders: *Provided, however*, that if the net proceeds to the tolls herein allowed shall not produce a dividend of five per cent. per annum, net profits, on the cost of said road, the same may be increased until five per cent. per annum is realized; and if said rates shall be found, in any year, to produce more than ten per cent. per annum, they shall be reduced so that they will not exceed ten per cent. per annum.

Gate keeper to give bond, &c.

SEC. 11. *Be it further enacted*, That the President and Directors shall take bond, with good security, from the gate keepers, and any other persons employed by them, for the faithful discharge of the duties assigned them, respectively; which bonds they may cause to be renewed whenever they deem it necessary, payable to the President, Directors, and Company, aforesaid.

Land for toll gate may be purchased or condemned.

SEC. 12. *Be it further enacted*, That whenever any four miles of said road shall be completed, the said President, Directors, and Company, may contract for, purchase, and hold, to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll gate erected upon said road, agreeable to the provisions of this act; and if they cannot agree for such land, at their respective gates, with the owner or owners thereof, they are authorized to possess themselves thereof by application to the

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Judge in the district where such land lays, he being governed by the law in such cases as laid down in the charter of the Nicholasville, Lancaster, and Danville Turnpike Road Company, approved February 22d, 1834: *Provided, however*, that in the selection and appropriation of land under this section, the said President, Directors, and Company, shall not include the dwelling house, out house, or gardens, of any person without their consent, and shall not locate said lands so as to prevent the owner or owners of the adjacent lands from access to said road, on either side of any gate, to which they would have had access if such location had not been made.

SEC. 13. *Be it further enacted*, That nothing in this act shall be so construed as to impose fees upon the owners of land through which the said road shall pass, nor tolls upon their stock or servants in passing on said road from one part of their farm to another; nor to impose toll fees upon venire men and grand jurors, of the same county, in passing to and from the court to which they have been summoned; or persons passing to and from any funeral, or with any funeral procession; nor shall they impose tolls upon any citizens of the county while going to and returning from the general elections in said county; nor upon militia days of muster, or attending courts of assessments in pursuance of their duty; nor upon persons going to or returning from a neighboring place of worship on the Sabbath; but all such persons, for the time being, with their horses and vehicles, shall pass free of toll.

Tolls not to be charged in certain cases.

SEC. 14. *Be it further enacted*, That so much of the different roads in the county of Scott as may be deemed useless by the County Court thereof, after the erection of said Turnpike Road, is hereby put under the power of said court, and may, by them, be closed, if in their judgment it is deemed necessary and expedient.

County Court of Scott may close useless roads.

SEC. 15. The Legislature reserves the power to alter, amend or repeal this charter.

Approved February 14, 1850.

CHAPTER 133.

AN ACT to incorporate the Clark's River Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby incorporated, as a body politic and corporate, in the county of McCracken, by the name and style of the Clark's River Plank Road Company, for the purpose of constructing a plank road from Island creek, near Paducah, the nearest and best way, to the wire bridge across Clark's river, near its mouth; the location of said road to be fixed by the company.

Company incorporated; may locate road.

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Capital stock.

SEC. 2. That the capital stock of said company shall be fifteen thousand dollars, divided into shares of fifty dollars each: *Provided*, that if, after an election of officers as hereinafter directed, it shall be believed by a majority of said Directors that said road may be constructed for a less sum than fifteen thousand dollars, and they shall be able actually to let out the road for a less sum, the sum for which said road shall be let out shall be the capital stock, and no more or less.

Books to be opened; Com'rs appointed; form of obligation.

SEC. 3. That books for the subscription of stock may be opened immediately after the passage of this act, in the town of Paducah, under the direction of George Hulme, Tal. P. Shaffner, George Smedley, Herman T. Lewis, Joseph Barbour, J. B. Husbands, and L. S. Trimble, or a majority of them, all of whom are hereby appointed commissioners for the purpose of obtaining subscriptions for the stock; and said commissioners shall procure a book or books, which shall contain, in substance, the following obligation, which shall be signed by every person who shall take stock in said company: "We whose names are hereunto subscribed, do severally promise and bind ourselves, respectively, to pay to the President, Directors, and Company, of the Clark's River Plank Road Company, the sum of dollars for every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said Company."

Com'rs to call meeting of the stockholders to elect President and Directors. Treasurer to be appointed, and to give bond.

SEC. 4. That as soon as the commissioners, or a majority of them, shall be of opinion that a sufficient amount of stock shall have been subscribed, they may call a meeting of the Stockholders and hold an election for a President and five Directors, who shall hold their office for one year, and until their successors shall have been elected; and said President and Directors, or a majority of them, shall have authority to appoint a Treasurer, and such other officers as they may deem necessary; said Treasurer shall give bond and security, to be approved by the directory, in such penalty as they may prescribe, conditioned well and truly to perform the duties of his office according to the demands, rules, and regulations, of said company.

Corporate powers.

SEC. 5. That upon the election and qualification of said President and Directors, they and their successors in office shall be a body politic and corporate, by the name and style of the Clark's River Plank Road Company, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; of purchasing and selling lands and tenements, as the same may be necessary in and about the construction of said road; to sue and be sued, and do all things necessary to carry out the purpo-

ses and ends of said corporation ; to have a common seal, and alter the same at pleasure ; to pass all needful by-laws and rules, not contrary to the laws and constitution of this State.

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SEC. 6. That said President and Directors shall have power to call on Stockholders to pay up their stock at such times and in such manner as they shall deem proper and requisite ; and every Stockholder shall be entitled to one vote for each share owned by him or her to the number of five, and for every five shares above that number one vote only.

Calls to be made; votes per share.

SEC. 7. That the written or printed certificate of the President, countersigned by the Treasurer, shall be evidence of ownership of stock in said company ; and the same shall be transferable on the books of the Treasurer, in person or by attorney, when all arrearages for such stock shall have been paid by the owner, and not until then, and for which a lien is hereby given said company on all stock owned by any person who shall be in arrear for any dues to said company.

How stock may be transferred.

SEC. 8. That the President may call meetings of the Board of Directors at such times and places as he may think proper ; a majority of the Directors shall constitute a quorum to do business, and in the absence of the President a majority of the Directors may choose a President *pro tem.* ; and said President and Directors may pass all laws and regulations needful to the construction and superintendence of said road.

How meetings called. Majority a quorum.

Laws, &c., may be passed.

SEC. 9. That when said road is completed, it shall become and remain so much of the State road leading from Paducah to Grey's Ferry, on the Tennessee river, established by an act of the Legislature, approved February 29, 1844, and be an alteration of so much of said State road.

Shall be extension of State road from Grey's Ferry, to Paducah.

SEC. 10. That it shall be lawful for said President and Directors, if to them it shall seem expedient, to include in the construction of said road a bridge across Island creek, at Jersey city, which they may build by the appropriation of stock funds ; and if so built, then the costs of the same to be taken and considered as so much additional capital to said company, to be subscribed and paid for as stock for the building of said road, and in all respects to be governed by the same rules : *Provided*, said additional stock does not amount to more than three thousand dollars : *And, provided further*, that the County Court of McCracken, a majority concurring therein, may subscribe for stock in the building of said bridge : and if said bridge be built, as aforesaid, it shall become and be considered, in all respects, as part of said Plank Road, belonging to said company, whether said County Court subscribe for stock or not.

Bridge across Island creek, may be built of stock funds—stock not to be increased over \$2,000. County Court of McCracken may subscribe for bridge stock.

SEC. 11. It shall be lawful for said company to obtain the right of way for said road, to pass over the lands of

Right of way may be acquired.

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any person or persons whatsoever, and keep a memorandum of the same, in writing, to be filed and recorded in the Clerk's office of the McCracken County Court.

Company may
fix width, and
grade of road,
&c.

SEC. 12. The company shall have power and authority, in the construction and repairs of said road, to fix its width and the manner of construction, its grade and whatever else may appertain to such construction.

One toll gate
may be erected;
tolls regulated.

SEC. 13. The said company, when said road shall be completed, shall have power and authority to erect, at any point they may select on said road, one toll gate and no more, and, by the by-laws of said company, assess and prescribe such toll upon all passengers, and traveling wagons, carriages, and other vehicles of conveyance and transportation, and upon all animals, as in their judgment shall seem right and proper, and the same to receive, collect, and retain, for the use of said company: *Provided*, that said company shall not assess or collect any higher rate of tolls than is authorized by an act, entitled, an act regulating the tolls on turnpike roads, in which the Commonwealth is a joint stockholder, and for other purposes, approved February 25, 1842—the third section of which act shall be in full force, and applicable to the rights, privileges, and immunities, of said corporation, as created by this act.

Approved February 14, 1850.

CHAPTER 134.

AN ACT to incorporate the town of Sardis, in Mason county.

Town estab-
lished; corpora-
tors named; bo-
dy politic and
style; their
powers and of-
fices.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established, in Mason county, a town, to be known and called the town of Sardis, with all the rights and privileges now given by law to towns. That Isaac S. Reid, Peyton White, John Murphy, Luke Dye, and James Vanderburg, and their successors in office, duly elected and qualified, shall be and are hereby constituted a body politic and corporate, under the name and style of the President and Board of Trustees of the town of Sardis, and as such may have and use a common seal, may sue and be sued, plead and be impleaded, in all courts of law and equity in this State. They shall have full power to elect one of their body President of said Board, who shall hold his office, as President, during the time for which the Board, of which he is a member, is elected and appointed; they shall have full power to appoint a Clerk and Treasurer, neither of whom is required to be a member of the Board of Trustees, but who shall hold their respective offices no longer than the term of service of the Board of Trustees by which they were appropriated. The said President and Board of Trustees shall have and exercise all the rights and privileges now, by law, given to the

Trustees of towns in this State ; a majority of said Board shall be competent to do any business required of them by this act, or any business required of the Trustees of towns by the general laws of the State.

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SEC. 2. That the persons named in the first section of this act, as Trustees, shall cause an election to be held in said town at some public and convenient place on the last Saturday in August next, for five Trustees of said town ; and an election shall be held annually on the last Saturday in August in each succeeding year ; which election shall be conducted by the Clerk of the Board of Trustees, who shall give ten days' previous notice of the time and place of the election by advertisement at two public places in said town. The Clerk shall, in a book kept by him, and to be furnished by the Trustees, legibly record the name of each voter, and the person or persons for whom he votes. He shall fairly and impartially conduct said election, and shall decide upon the right of each person, offering, to vote. All contested elections shall be decided by the Board of Trustees, of which the contestant claims to be a member : *Provided*, that, in all elections, all the white male inhabitants over the age of twenty one years, who shall have been residents of said town for ten days before the election at which he offers to vote, and all male citizens of the State of Kentucky over twenty one years of age, owning real estate in said town, shall be entitled to vote for Trustees : *Provided*, that the Trustees, in office, shall so remain until their successors are duly qualified ; and if at any time, there shall be a failure to elect Trustees at the time required by this act, then the Trustees shall remain in office and perform the duties of the same until the next annual election, and until a new Board shall be elected and qualified.

Corporators shall cause election to be held for five trustees; election to be annual and how conducted, who may vote, how contested elections to be decided. Trustees to remain in office till successors are elected.

SEC. 4. That the said Trustees shall have power to levy and have collected a tax every year, of not more than fifteen cents on each hundred dollars worth of property owned in said town, and, also, a poll tax of not more than one dollar and fifty cents, in any year, on each tythe in said town liable to county levy ; and the Treasurer, in the collection of such taxes, shall have all the powers of levy and distress now given by law to Sheriffs in collecting the State and county tax, and this power shall extend to any part of Mason county ; and the money so collected by said Trustees, shall be by them applied to the sinking of wells and cisterns, the improvement of the streets, alleys, and side walks, and such other things as may be necessary for the improvement of the town and the comfort of its citizens.

Trustees may levy tax, to be collected as State tax, for town purposes.

SEC. 4. That the said Trustees shall have full power to pass all by-laws and ordinances, and to affix fines for the violation of the same, as are not inconsistent with the constitution and laws of this State. That all fines, for the

Trustees may pass by-laws, &c. Fines not to exceed \$25, to be recovered before a Justice,

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and assessed by
jury, when over
five pounds.

violation of any by-law or ordinance, shall be recovered by warrant before some Justice of the Peace for Mason county, sued out in the name of the President and Board of Trustees: *Provided*, that when any fine, affixed to the violation of any by-law or ordinance, shall exceed five pounds, the Justice shall cause a jury to be summoned to try the accused; and no fine for the violation of any by-law or ordinance of said Trustees shall exceed twenty five dollars.

SEC. 5. That the said Trustees shall have full power to appoint an overseer of the streets and alleys, who shall cause them to be worked and kept in order.

SEC. 6. That said Trustees shall have power to tax all shows, circuses, and other exhibitions, that shall show or exhibit in said town, or within one mile of the corporate limits thereof, in such sum as they may deem right, not exceeding ten dollars for every twenty four hours the same shall be exhibited; which taxes, so collected, shall be applied to the improvement of the streets of said town.

SEC. 7. That the corporate limits of the said town shall embrace one square mile, having for its centre the store house now occupied by Daniel R. Craycraft; and it shall be the duty of the persons named as Trustees of said town, in this act, to cause an exact survey of said town to be made out, and a map thereof designating the streets and alleys therein, which they shall have recorded in the Clerk's office of the Mason County Court; and said map, or a certified copy thereof, shall be evidence of the extent and limits of said town, and of the position of the streets, alleys, public grounds, and lots, of said town, in all suits in which the Trustees of said town are parties.

Trustees
take an oath.

SEC. 8. That before the persons named as Trustees of said town, or those hereafter elected, shall enter upon the office and duties of Trustees of said town, they shall go before some Justice of the Peace for Mason county, and take an oath well and truly and to the best of their knowledge perform the said office of Trustee.

Act may be
modified, &c.

SEC. 9. That the Legislature reserves the right to repeal, alter or modify this act at pleasure.

Approved February 14, 1850.

CHAPTER 136.

AN ACT for the benefit of James Ganes, of Hopkins county.

Whereas, it is represented that James Ganes emigrated to this Commonwealth and settled in Hopkins county, about three years since, and that he imported and brought with him three slaves, to-wit: Lot, Amy, and Wesley, and that the said Ganes has not taken the oath, and conformed to the provisions of an act of the Legislature, passed in the

year 1833, prohibiting the importation of slaves into this State. Therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said James Ganes be allowed the further time of sixty days, from the passage of this act, to take the oath and comply with the provisions of said act; and that he be exonerated from the penalties of said act, which has accrued against him up to this time.

Approved February 14, 1850.

CHAPTER 136.

AN ACT to amend an act incorporating the Newtown and Leesburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners have the further time of two years to open the books and receive subscriptions to said road, and that the following persons are hereby appointed Commissioners in place of those heretofore appointed; at Leesburg, B. T. Boswell, J. Hearne and N. E. Offutt; and at Newtown, G. H. Smith, J. Griffith and John Parks; and that on the removal or failure to serve, of either of the before named Commissioners, a majority of those remaining may fill such vacancies.

Approved February 14, 1850.

CHAPTER 137.

AN ACT to incorporate the Frankfort and Woodford Landing Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company is hereby incorporated in the county of Woodford by the name and style of the Frankfort and Woodford Landing Turnpike Road Company, for the purpose of constructing from Versailles and Frankfort Turnpike Road to the Versailles and Anderson Turnpike Road, on the same ground now occupied by the present road, or such other as those interested may deem best.

Company incorporated.

Sec. 2. That the capital stock of said Company shall be five thousand dollars, to be divided into shares of fifty dollars each: *Provided,* that if, after an election of officers as hereinafter directed, it shall be believed by a majority of the Directors that said road may be constructed for a less sum than five thousand dollars, and they shall be able to let out said road for a less sum than the capital stock as aforesaid, the sum for which said road shall be let out shall be its capital stock, and no more or less.

Capital stock may be reduced in certain contingency.

Sec. 3. That books, for the subscription of stock, may be opened immediately after the passage of this act, at the

Books to be opened—Commissioners; the

1850.

form of obligation.

house of Nimrod E. Martin, in the county of Woodford, under the direction of William Cotton, Hezekiah Winn, Thomas Graddy, William McDonald, George S. Graddy, Sidney Robertson, or some one or more of them, all of whom are hereby appointed Commissioners for the purpose of obtaining subscriptions to said road; and they shall procure a book or books, which shall contain the following obligation, and shall be signed by every person willing to take stock in said Company: "We whose names are hereunto subscribed do severally promise and bind ourselves respectively to pay the President, Directors, and Company of the Frankfort and Woodford Landing Turnpike Road Company the sum of fifty dollars for every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said Company."

SEC. 4. That the books shall remain open until the sum of five thousand dollars shall be subscribed, or until a sufficient amount has been taken to complete said road.

Com're to call a meeting of stockholders to elect President and Directors, who shall elect Treasurer and other officers.—Treasurer to give bond.

SEC. 5. That as soon as the Commissioners, or a majority of them shall be of opinion that a sufficient amount has been subscribed for the construction of said road, they may call a meeting of the stockholders, and hold an election for a President and five Directors, who shall hold their offices for one year, and until other like officers shall have been elected. The Directors shall elect a Treasurer, and such other officers as they may deem necessary; and the Treasurer shall, before he enters upon the duties of his office, execute a bond to said Company, with security to be approved of by said Directory, in the penalty of ten thousand dollars, conditioned that he will well and truly in all things perform the duties of his office, and whenever a demand shall be made upon him by the Directory or its authorized agent, pay over all sums of money in his hands as Treasurer; and he shall continue in office until the Directory shall make another appointment.

Corporate name and powers.

SEC. 6. That upon the election and qualification of said Directors, they shall be a body politic and corporate, by the name and style of the Frankfort and Woodford Landing Turnpike Road Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock and the increase and profits thereof; of purchasing and selling lands and tenements, as the same may be necessary in the construction of said road; to sue and be sued, plead and be impleaded; to have a common seal; and generally to do all and every thing which may be requisite, and not contrary to the intention of this act.

How called upon.
SEC. 7. That the President and Directors after their election shall call upon the stockholders for payment upon

their several subscriptions: *Provided*, that the first call shall not exceed twenty per cent. on the amount subscribed, and may, in the discretion of the directors, be less; and all subscribers paying as much as twenty per cent. at the first payment, shall be entitled to notice of forty days upon any subsequent call.

SEC. 8. That every stockholder shall be entitled to one vote for each share subscribed by him, to the number of five, and one vote for each five shares above that number.

SEC. 9. That the written or printed certificate of the President countersigned by the Treasurer shall be evidence of ownership of stock in the company; and the same shall be transferable on the books of the Treasurer, in person or by attorney, when all arrearages thereon have been paid, and not until then.

SEC. 10. That the President may call meetings of the Board of Directors, at such times and places as he may think proper; a majority of the Directors shall constitute a quorum; and in the absence of the President a majority of the Directors shall elect a President pro tem.

SEC. 11. That said President and Directors shall have power to pass all by-laws necessary to promote the interests of the stockholders; and to superintend the construction of said road.

SEC. 12. That said company shall have power to erect one gate when said road shall be completed; and said road shall be governed by the thirteenth section of this act.

SEC. 13. That the same rates of toll shall be allowed said company, as are prescribed by an act, entitled, an act regulating turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes, approved February 25th, 1842. That said road shall not be less than thirty five feet wide, twenty feet grade, and twelve feet thereof covered with metal.

SEC. 14. That the whole road shall be completed in ten years, or this charter shall be forfeited.

SEC. 15. That all persons residing on, or adjoining said road, are hereby exempted from working, or furnishing hands to work, on any other road, to the extent of one hand for each one hundred dollars of stock subscribed for and paid to said road company; and any person residing in any road precinct, not immediately adjoining said road, may avail themselves of this act by taking stock on the same conditions.

SEC. 16. That the County Court of Woodford, and the Trustees of the town of Versailles, may take and subscribe stock in said road company.

SEC. 17. That the Legislature reserves the right to alter, amend, or modify this charter.

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on stockholders to be made.

Number of votes for share.

Stock transferable, and how.

President may call meeting of Directors: majority a quorum.

May pass by-laws.

Gate may be erected.

Rates of tolls allowed. Road to be not less than 35 feet wide—20 feet grade, metal 12 feet.

Stockholders residing near said road, exempt from working roads one hand for each share.

County Court of Woodford & town of Versailles may take stock.

Charter may be modified, &c.

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CHAPTER 138.

AN ACT to incorporate the Versailles and Shryock's Ferry Turnpike Road Company.

Company in-
corporated, and
road located.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company is hereby incorporated by the name and style of the Versailles and Shryock Ferry Turnpike Road Company, for the purpose of constructing a turnpike road from the town of Versailles to Shryock's Ferry, on the same ground that the present road now runs, or such changes as may best suit those interested.

Capital stock.

SEC. 2. That the capital stock of said company shall be thirteen thousand dollars, to be divided into shares of fifty dollars each: *Provided*, that if, after an election of officers as hereinafter directed, it shall be found, by a majority of the Directors, that said road can be made for a less sum, and may be able to let out the work for a less sum, then the sum for which the construction of said road shall be let out, shall be its capital stock, and no more or less.

Books to be
opened—Com'rs
appointed—form
of obligation.

SEC. 3. That the books, for the subscription of stock may be opened immediately after the passage of this act, in the town of Versailles under the direction of Samuel Nuckols, Boone Bailey, Logan Bailey, Johnson Miller, William D. Young, Edward C. Miller, Milton Rowland, B. R. Miller, Joseph Frazier, Jr., Joseph Frazier, Sen., John Shryock, and Daniel Taylor, or some one or more of them, all of whom are hereby appointed Commissioners for the purpose of obtaining subscriptions, and shall procure a book or books, which shall contain the following obligation, which shall be signed by every person willing to take stock in said company, viz: We whose names are hereunto subscribed do severally promise and bind ourselves respectively to pay to the President, Directors and Company of the Versailles and Shryock's Ferry Turnpike Road Company, the sum of fifty dollars for every share of stock set opposite our names, in such manner and proportions, and at such times, as shall be required by the President and Directors of said company.

SEC. 4. That the books shall remain open until the sum of thirteen thousand dollars shall be subscribed, or until a sufficient amount has been subscribed to make six miles of said road.

Com'rs to call
meeting of the
stockholders to
elect President
and Directors.
Treasurer to be
appointed, and
to give bond.

SEC. 5. That when the Commissioners, or a majority of them, shall be of opinion that a sufficient amount of stock shall have been subscribed for the construction of said road six miles, they may call a meeting of the stockholders, and hold an election for a President and five Directors, who shall hold their office for one year, and until other like officers shall be elected; and the Directors shall appoint a Treasurer and such other officers as they may deem neces-

sary ; and the Treasurer, before he enters on the duties of his office, shall execute bond to said company, with security to be approved of by the directory, in the penalty of ten thousand dollars, conditioned that he will well and truly perform the duties of his office, and whenever a demand shall be made upon him by the directory, or its authorized agent, pay over all sums of money in his hands as Treasurer ; and he shall continue in office until another be appointed by the directory.

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SEC. 6. That upon the election and qualification of said Directors, they shall be a body politic and corporate, by the name and style of the Versailles and Shryock's Ferry Turnpike Road Company ; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation ; and shall be capable of taking and holding the incapital stock, and the increase and profits thereof ; of purchasing and selling lands and tenements, as the same may be necessary in the construction of said road ; to sue and be sued, plead and be impleaded ; to have a common seal ; and generally to do all and every thing which may be requisite, and not contrary to the intention of this act.

Corporate powers.

SEC. 7. That the President and Directors, after their election, shall call upon the stockholders for payment upon their subscriptions : *Provided*, that the first call shall not be over twenty per cent. on the amount subscribed, and may in the discretion of the Directors be less : *And, provided further*, that all subscribers paying as much as twenty per cent. at the first payment, shall be entitled to notice of forty days upon any subsequent call.

How calls to be made.

SEC. 8. That every stockholder shall be entitled to one vote for each share subscribed by him, to the number of five, and one vote for every five shares above that number.

Votes per share.

SEC. 9. The written or printed certificate of the President, countersigned by the Treasurer, shall be evidence of ownership of stock in this company, and the same shall be transferable on the books of the Treasurer, in person or by attorney, when all arrearages thereon have been paid, and not until then.

How stock may be transferred.

SEC. 10. That the President may call meetings of the Board of Directors, at such times and places as he may think proper ; a majority of the Directors shall constitute a quorum ; and in the absence of the President, a majority of the Directors may elect a President *pro tem*.

Meetings may be called—quorum.

SEC. 11. That said President and Directors shall have power to pass all by-laws necessary to promote the interests of the stockholders, and to superintend the construction of said road.

By-laws, &c.

SEC. 12. That said company shall have power to erect one gate when five miles of said road shall be completed, or may erect two gates, with half tollage at each, upon

When toll gate may be erected.

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Rate of tolls;
width of road,
grade & metal.

Time for com-
pleting road.

Stockholders
exempt from
working roads;
1 hand for \$100.

County Court
of Woodford &
town of Ver-
sailles may take
stock.

said five miles, according to the rates of toll hereinafter provided.

Sec. 13. That the same rates of toll shall be allowed said company as are prescribed by an act, entitled, an act regulating the tolls on turnpike roads in which the Commonwealth is a joint stockholder, and for other purposes, approved February 25, 1842. The said road shall not be less than forty feet in width, twenty two feet in width graded, and fourteen feet covered with metal.

Sec. 14. That the whole road shall be completed within ten years, or this charter shall be forfeited.

Sec. 15. That all persons residing on or adjoining said road, shall be exempt from working or furnishing hands to work on any other road, to the extent of one hand for each one hundred dollars of stock subscribed and paid to said company; or any person living in any precinct not immediately adjoining the road, may avail themselves of this act by taking stock on the same condition as aforementioned.

Sec. 16. That the County Court of Woodford and the Trustees of the town of Versailles may take and subscribe stock in said company.

Sec. 17. That the Legislature reserves the right to alter, change, or modify this charter.

Approved February 14, 1850.

CHAPTER 139.

AN ACT repealing an act approved February 24, 1849, entitled, an act to authorize the Register of the Land Office to extend the line of a survey in the name of J. Eubank, in Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act approved the 22d day of February, 1849, entitled, an act to authorize the Register of the Land Office to extend a line of a survey in the name of J. Eubank, in Monroe county, be and the same is hereby repealed; and the Register of the Land Office is hereby directed to make such change in the books of his office as may be necessary to give effect to this act.

Approved February 14, 1850.

CHAPTER 146.

AN ACT to incorporate the town of Lawrenceburg.

Limits of town
Trustees to be
elected annual-
ly, who shall be
citizens of town
and shall take
an oath.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Lawrenceburg, as laid off and described in a plat now of record in the office of the Anderson County Court, with the following enlargements—on the South, one hundred yards; on the

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east, three hundred yards; and on the west, three hundred yards—shall be known and is hereby declared to be the extent and limits of said town. That, hereafter, the fiscal, prudential, and municipal concerns of said town shall be vested in five Trustees, who shall be elected annually, on the first Monday in March, by the free white male inhabitants over the age of twenty one years, and who have resided in said town six months previous to such election, and shall hold their offices for one year, and until their successors are elected and qualified. They shall, before entering upon the duties of their office, take an oath before some Justice of the Peace, that they will faithfully and without fear, favor or affection to any one, discharge the duties of Trustees of said town, during their continuance in office; all vacancies in the Board shall be filled by the remaining Trustees; no person shall be a Trustee of said town who is not, at the time, a citizen thereof, and has resided therein at least twelve months previous to his election.

SEC. 2. That said Trustees, and their successors, shall be a body politic and corporate, and shall be known by the name and style of the Board of Trustees of the town of Lawrenceburg; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; may have and use a common or private seal, and do all other acts, matters, and things, which a body politic and corporate having perpetual succession can lawfully do.

Trustees in-
corporated.

SEC. 3. That said Trustees shall have power to make and receive all necessary conveyances in relation to the lots in said town. They shall have power over the streets, alleys, and side walks in said town; may direct the improvement of the same in such manner as they may deem most beneficial to the interests of said town. They shall have power to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth. They shall have power to levy and collect a tax upon the property and citizens of said town, not exceeding fifteen cents on each one hundred dollars worth of property, and one dollar and fifty cents on each tythe. They shall have power to tax auction sales, shows, and exhibitions for money, such sums as they, in their by-laws, may fix; and to tax all hired negroes in said town, provided they shall not be taxed before the first Monday in March. They shall have power to suppress all tipling houses, and to fine all those who may violate their by-laws, in relation thereto, any sum not exceeding twenty five dollars for each offence, to be recovered before the Police Judge of said town.

Corporate
powers. Trust-
tees to appoint
officers and take
bonds from
them, and may
remove them for
failure to dis-
charge their du-
ties.

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They shall have power to declare what are nuisances within said town, and may, by their order, direct the same to be abated, or may, by their by-laws, impose a fine on any person or persons who may have caused the same. They shall have power to provide for the security of said town against fire, by organizing one or more fire companies, defining their duties, and punishing, by adequate fines and other penalties, those who shall fail to perform the duties required of them. They shall have power to regulate the market and appoint a market master, and such other officers as may be deemed necessary for that purpose. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk, Marshal, and such other officers as they may deem necessary, and take from them, respectively, bond with security, payable to the Commonwealth of Kentucky, in such penalty as the said Trustees shall direct, conditioned for the discharge of their respective duties; and for a violation of duty on the part of either of said officers, motions may be made or suits brought before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations that motions are made or suits brought against Sheriffs, Constables, or other officers, for failure of duty; and, moreover, the said Trustees, or a majority of them, shall have power and authority to remove either of them for failing to do their duty, and appoint others in their places.

Duties of officers.

SEC. 4. That it shall be the duty of said Treasurer and Clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of said Treasurer to render an account to said Trustees of all moneys received and paid out by him, whenever by them requested so to do.

Chairman to be appointed.—How money to be drawn.

SEC. 5. That it shall be the duty of said Trustees to appoint one of their own body Chairman of the Board, and that no money shall be drawn from the Treasurer except by the order of said Chairman, in pursuance of allowance made by said Board.

Police Judge to be appointed; his jurisdiction, and duties, and fees.

SEC. 6. That the Governor, by and with the consent of the Senate, shall appoint and commission some good and discreet person of said town as Police Judge of the said town of Lawrenceburg, who shall have and hold his office in the same manner, and for the same time, that commissioned judicial officers of this State are appointed; and who, before he enters upon the duties of his office, shall take the oath to discharge the duties of said office faithfully and impartially, and to the best of his ability, without favor or affection to any, together with such general oaths as public officers are usually required to take—such oaths to be administered by some Judge or Justice of the Peace. The said Police Judge shall have jurisdiction within the limits of said town of all cases, civil and criminal, in which Just-

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ces of the Peace have jurisdiction, except as a court of enquiry in criminal cases, in which he shall have the same jurisdiction now given to two Justices of the Peace, and shall proceed in the same manner that justices are required to proceed in criminal cases. He shall have jurisdiction over all offences arising under the by-laws of said town, and shall have power to enter judgment and award execution accordingly—which cases shall be tried as soon as practicable, and shall not be deferred to the regular quarterly term of the Justices' Court. It shall be the duty of said Police Judge to keep a record of his proceedings, copies of which shall be evidence, and shall have the same effect as the records of Justices of the Peace. He shall have power to issue summons for witness to give evidence in causes pending before him, and upon their failure to attend may issue compulsory process to compel their attendance. He shall have power to fine and imprison for contempts, not to exceed ten dollars fine, nor more than twelve hours imprisonment. He may order the Marshal to summon a jury in any cause cognizable before him, where a jury would be required before a Circuit Court, or a Justice of the Peace. It shall be lawful for said Police Judge to take depositions, and certify the same, where they are to be read in any cause pending in any Court in this Commonwealth. He shall be entitled to the following fees, viz: For a peace warrant, or for a riot, rout, unlawful assembly, or breach of the peace, fifty cents; for a warrant for a violation of the by-laws of said town, in any case where the Trustees thereof are plaintiffs, twenty five cents; for swearing a jury and presiding over the trial in any case, except forcible entry and detainer, fifty cents; for taking a recognizance to keep the peace, upon the application of any person, fifty cents, to be charged to the applicant; in all other cases his fees shall be the same as allowed to Justices of the Peace for similar services, and collectable in the same way.

Sec. 7. That upon all judgments rendered by said Judge, either party shall have the right to appeal, in the same manner that appeals are taken from judgments of Justices of the Peace in similar cases.

Sec. 8. The Marshal shall serve all process and precepts to him directed from said Police Judge, and make due returns thereof; collect all taxes assessed in said town, executions, and other demands which may be put in his hands to collect, and account for and pay the same over to whoever shall be entitled to the same, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against Sheriffs and Constables in similar cases. The said Marshal shall be entitled to the same

Appeals.

Duties and abilities of Marshal prescribed. Process may be directed Constables of Anderson county.

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fees for collecting the town tax that Sheriffs are entitled to for collecting the county levy, and in all other cases the same fees that are allowed to Constables for similar services: *Provided, however,* that said Police Judge shall have power to direct his process to any Constable of Anderson county; and said Marshal shall have and possess the same powers given to Constables in all cases cognizable before said Police Judge.

Fines for violation of penal laws, and in cases cognizable before Police Judge, to be paid to Treasurer.

SEC. 9. All fines and forfeitures, in cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said Board, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by judgment of a Justice of the Peace for a violation of any penal law committed within the limits of said town, shall be, in like manner, paid over to the Treasurer.

SEC. 10. That all acts or parts of acts coming within the purview of this act are hereby repealed.

Approved February 14, 1850.

CHAPTER 141.

AN ACT to incorporate the Christiansburg Turnpike or Plank Road Company.

Company, its name and style. Road located.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company is hereby created, under the name and style of the Christiansburg Turnpike Road Company, for the purpose of making a turnpike or plank road, from a point on the Frankfort and Shelbyville turnpike road, near the residence of John Shannon on said road, to intersect the railroad opposite to Christiansburg, in Shelby county, or at Consolation on said railroad—said Company selecting either point of intersection.

Capital stock.

SEC. 2. That the capital stock of said Company shall be thirty thousand dollars, to be divided into shares of one hundred dollars each.

Books to be opened; Comrs appointed; form of obligation.—Notice of place to be given.

SEC. 3. That books for the subscription of stock in said Company shall be opened on the first Monday in April next, at Christiansburg, under the direction of Jeremiah Long, J. G. Farmer, J. Clayton, J. Davis, and J. T. Norwood; and at Consolation, under the direction of H. Bohannon, R. W. Hawkins, S. Cook, C. White, and R. Radford; and at Clayville, under the direction of J. F. Middleton, A. S. Frederick, T. C. Guthrie, W. N. Mount, and J. Caldwell, or some two or more of them at each place, who are appointed Commissioners. The Commissioners at each place shall procure books, and the subscribers to stock in said Company shall enter into the following obligations in such books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company, of the

Christiansburg Turnpike Road Company, the sum of one hundred dollars for every share of stock in said Company, set opposite to our names, in such manner and proportions, and at such times, as shall be required by the President and Directors of said Company. The Commissioners, or a majority of them, shall give notice, by advertising in the Shelby News, or otherwise, of the time and place of opening the books for the subscription of stock in said Company, and the same shall remain open until the amount of capital stock shall be subscribed. 1850.

SEC. 4. That so soon as one hundred shares of the stock shall be subscribed, it shall be the duty of the Commissioners to give notice of a meeting of the stockholders, at such time and place as the Commissioners may designate, for the purpose of choosing officers; said notice to be by advertising for twenty days previous to such meeting; and that the voters, in choosing the officers of said Company, shall be regulated by the number of shares, allowing one vote for each share of stock subscribed.

Commissioners to call meeting of stockholders to elect officers. One vote allowed for each share.

SEC. 5. That the officers of said Company shall consist of a President and five Directors, a Treasurer, and such other officers as they may think necessary to conduct the business of said Company for one year, and until others shall be elected.

Officers.

SEC. 6. That when said Company shall be thus organized, it is hereby declared a body politic and corporate, by the name and style of the Christiansburg Turnpike Road Company; and by that name shall have perpetual succession, and be entitled to all the rights, privileges, and franchises, incident to a corporation, in the same manner and to the same extent as are conferred upon the President, Directors, and Company, of the Mulberry Turnpike Company, by an act, approved February 29, 1836, except so much thereof as relates to the material of which said road shall be constructed, which shall be left to the choice of the Company: And, provided, that the rate of toll shall be so regulated as not to net more than six per cent. on the capital stock of said Company invested.

Corporate powers—materials—rates of toll.

SEC. 7. That the Legislature reserves the right to alter, amend or change this charter.

Approved February 14, 1850.

CHAPTER 142.

AN ACT for the benefit of Victor F. Fisher.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Victor F. Fisher, a minor, within the age of twenty one years, be and is hereby empowered to bargain, sell, alien, and convey, all his right, title, interest, and claim, in and to a tract of land in Grayson county,

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Kentucky, now in the occupancy of one Luther J. Talbott, on Bear creek, or any part or parcel thereof, and the conveyance of said Victor F. Fisher shall be as valid, to all intents and purposes, as though he were of full age.

Approved February 14, 1850.

CHAPTER 143:

AN ACT for the benefit of the heirs of James Scott, deceased.

Whereas, William Scott, of Bourbon county, by his last will and testament, devised his estate, real and personal, to his son Jefferson Scott, including a tract of land containing three hundred and fifty acres, said will containing a clause which provides that if his said son Jefferson dies without children, or a child, living at the time of his death, the estate thus devised should descend to the brothers and sisters of said William Scott, and their descendants; and, whereas, James Scott, a brother of said William Scott, a resident of the State of Virginia, has since died, having first made and published his last will and testament, by which he devises his estate, real and personal, to his children Rebecca A., Mary J., and Eliza F. Scott, and directs his executor, John A. Davidson, if he shall deem it for the interest of his said children, to sell and dispose of any part or the whole of said estate; and, whereas, said Davidson is satisfied that it will be to the interest of said children, for whom he is also Guardian, for him to sell their contingent interest in said tract of land to Jefferson Scott, who proposes to purchase the same, but owing to doubts whether said Davidson has, by the will of said James Scott, power to sell land not lying in the State of Virginia. Therefore,

J. A. Davidson, exec'or of Scott, authorized to sell and convey lands, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John A. Davidson, executor of James Scott, deceased, and Guardian for Rebecca A. Scott, Mary J. Scott, and Eliza F. Scott, heirs and devisees of said decedent, be and he is hereby authorized to sell and convey to Jefferson Scott all the right, title, and interest which the said Rebecca A. Scott, Mary J. Scott, and Eliza F. Scott, have in and to a tract of land lying in Bourbon county, containing three hundred and fifty acres, the same being in part of the real estate devised to said Jefferson Scott by his father William Scott, deceased, and such sale and conveyance, when made, shall be as binding and shall have as full force and effect to pass their title in said land to said Jefferson Scott, as if the said Rebecca A. Scott, Mary J. Scott, and Eliza F. Scott, were of mature age, and had themselves made the same.

Davidson to execute bond in Bourbon Circuit

SEC. 2. That before making said sale, the said Davidson shall execute bond, with good security, before the Clerk of the Bourbon Circuit Court, in a penalty double the estima-

ted value of the interest of said infant heirs in the said tract of land, payable to the Commonwealth of Kentucky, and with condition such as is required by the statute authorizing the sale of infants' real estate—which bond shall be filed and kept by said Clerk in his office.

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Court office, making &c.	Clerk's before sale,
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Approved February 14, 1850.

CHAPTER 144.

AN ACT for the benefit of the Sheriff of Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Russell county be allowed until the first of May next to pay into the Treasury the balance of the revenue due the Commonwealth from him for the year 1849: *Provided,* the sureties of said Sheriff shall, on or before the seventh day of February next, file with the Second Auditor their assent, in writing, to such indulgence.

Approved February 14, 1850.

CHAPTER 145.

AN ACT to amend the charter of the Oakland Turnpike Company.

Sac. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name and style of the Oakland Turnpike Company be and the same is hereby changed to that of the Oakland Plank Road Company.

Sac. 2. That said company be authorized to construct said road of plank, eight and a half feet wide, upon a graded bed of twenty four feet wide: *Provided,* that if, at any time, this width should prove insufficient to accommodate the travel, the company shall lay down a double track in whole or on part of the road as may be necessary.

Approved February 14, 1850.

CHAPTER 146.

AN ACT for the benefit of the Sheriff of Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Shelby county have until the next Court of Assessments for the 18th and 39th Regiments to return his delinquent lists for 1848.

Approved February 14, 1850.

CHAPTER 147.

AN ACT for the benefit of William Evans and George S. Gravit, former Sheriffs of Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Evans, Sheriff of Grant county

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for the years 1844 and 1845, and George S. Gravit, Sheriff of Grant county for the years 1846 and 1847, be allowed, respectively, by themselves or deputies, until the first day of June, 1851, to collect from the persons owing the same, all such revenue tax, county levies, muster fines, and fee bills, as may remain uncollected in the hands of said Sheriffs for said years; and shall have all such authority to distrain for the same, and shall be subject to all such regulations, restrictions and penalties, as are provided by the general laws regulating the duties of Sheriffs in making collections.

Approved February 14, 1850.

CHAPTER 148.

AN ACT for the benefit of the infant heirs of Bryan Y. Owsley, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Napoleon B. Stone, who is guardian for some of the infant heirs of Bryan Y. Owsley, deceased, and John Owsley, who is guardian for the other infant heirs of said Bryan Y. Owsley, deceased, may file their petition in the Russell Circuit Court, alleging that the said infants have title to lands lying in the counties of Russell and Casey, and describing generally the several tracts, and alledging that a sale of the same would be advantageous to the said infants. Upon the filing of such petition, verified by the affidavit of the said guardians, it shall be lawful for the Court to ascertain the value of said tracts, by the report of two or more Commissioners appointed for the purpose, and whether the sale of the same, or any of the said tract, would be of advantage to the said infants. If the Court, on hearing the petition, shall be of opinion that the sale of said tracts, or any of them, would be of advantage to the said infants, the Court shall have power to decree and direct the said sale, and appoint the said Stone and John Owsley Commissioners of the Court, and give them full power to sell the same, publicly or privately, as they may deem best, and on such terms as to them may appear just, right, and proper, and also to convey the same; or the Court may place on each tract a minimum valuation, and require the said Stone and John Owsley not to sell the said tracts for less than the minimum price so placed by the Court. And all such sales and conveyances, as may be made by the said Stone and John Owsley, shall pass all the title which said infants have in and to said lands.

SEC. 2. The Court shall require of said Stone and Owsley separate bonds, and approved security, in such penalty as the Court may determine, conditioned to perform all such things as may be required of them by any decree of the said

Court, and to account for all the proceeds and interest thereon, of the said sales, going to their respective wards, in the same manner that guardians are now required by law to account for the money of their wards.

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SEC. 3. The Court shall have full power and authority, from time to time, upon the application of guardian, or next friend, to order and decree the proceeds of such sales to be appropriated in such manner as may to the Court appear most consistent with equity and with the interest of such infants; and the said guardians shall, from time to time, report to the Court their proceedings under this act; and the said guardians shall be responsible for the proceeds arising from such sales, in the same manner, and to the same extent, that guardians, by the general laws of this land, now are for the money of their wards.

SEC. 4. If, from death or otherwise of the guardians, they or either of them should be unable to make conveyances after sale, the Court is invested with full power to substitute other persons in their stead, for the purposes of conveyance, and to take from them bond for the faithful performance of their duties.

Approved February 14, 1850.

CHAPTER 149.

AN ACT to change the place of voting in Triplett precinct, in Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in Triplett precinct, in Fleming county, be and the same is hereby changed from the house of James Calvert to Dixon Clack's Mills in said precinct.

Approved February 14, 1850.

CHAPTER 150.

AN ACT for the benefit of Boone Elliottte.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Superintendent and Managers of the Lunatic Asylum, at Lexington, be and they hereby authorized to admit Boone Elliottte, (son of Robert Elliottte, of Nicholas county,) into the Asylum as a pauper; it being first ascertained, in the manner required by law, that he is a lunatic.

Approved February 14, 1850.

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CHAPTER 151.

AN ACT to incorporate the Bloomfield and Fairfield Turnpike Road Company.

Company incorporated, and capital stock.

Name & style.

Powers, &c.

Width of road, &c.

Commissioners' names.

Books when and how opened for subscription of stock.

Notice of time and place of meeting of the stockholders to be published.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be and the same is hereby established, with a capital of fifty thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a McAdamized Turnpike Road from the town of Bloomfield in the county of Nelson, passing through Fairfield, to intersect the Bardstown and Louisville Turnpike Road, in Nelson county, under the name and style of the Bloomfield and Fairfield Turnpike Company; and, as such, shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places within this Commonwealth; with power to acquire, hold, possess, use, and occupy, all such real and personal estate as may be necessary and convenient for the site or route of said; for piers and abutments of all such bridges as may be requisite on said road; and lots for toll houses and the residence of gate keepers on said road; also, all necessary stone, gravel, sand, and earth, for the construction and repair of said road; and to have and use a common seal, and the same to alter and renew at pleasure; to make and ordain all such by-laws as may be necessary for the construction or repair of said road, and the management of its prudential concerns, not contrary to the constitution and laws of this Commonwealth, or of the United States.

SEC. 2. That the width of said road shall not be less than forty, nor more than sixty feet; and the artificial or met-taled part of said road shall not be less than sixteen feet wide, and the graded part not less than thirty feet wide; and that said grade shall not exceed two and one half degrees; and that the streams be bridged.

SEC. 3. *Be it further enacted*, That Spence Minor, Hayden E. Stone, Enoch H. McKay, Thos. H. Miles, Ludwell McKay, Joseph McLasky, Jr, Elijah Davis, Geo. W. Hobbs, Haden Edwards, Isaac D. Stone, Fielding Merifield, Doctor A. Bodine, E. Wills, Spottswood Wills, A. A. Terrill, B. Hagan, B. Stone, Alex. Baird, Joseph Foreman, and Griffith Crum, be and they are hereby appointed Commissioners to open books for the subscription of the stock, aforesaid, at such time and places as any three or more of said Commissioners may deem expedient; and whenever one hundred and fifty shares of said stock shall have been subscribed for, the said Commissioners, or any three or more of them, may call a meeting of the stockholders, at such time and place as they may deem convenient and proper, first having advertised in the newspaper published in Bardstown, if any, if none, then in one of the newspapers published in Louisville, the time and place; and the stockhol-

ders, in pursuance of said call, shall proceed, by themselves or by proxy, to choose a President and six Managers, in whom shall be vested all the powers of the corporation, for the construction and management of the prudential concerns of said road. That each share of stock, to the number of twenty, shall entitle the owner thereof to one vote; and every two shares, over twenty, shall entitle the owner to one additional vote—and after the Board is thus organized, an annual election shall be held on the first Monday in June in each year, and until their successors are elected and qualified—and no person shall be eligible to the office of President or Manager without being a stockholder, and shall vacate his office on ceasing to be one; and that the President and Managers, for the time being, may supply any vacancy occurring in their own body from any cause. And whenever an annual election shall not be held at the time prescribed in this act, the President and Managers may direct an election to be held on any other day they may think fit.

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President and managers, how and when elected.

Stock, how voted on, &c.

Vacancies—how filled.

Elections may be held, and how

SEC. 4. That the President and Managers of the Bloomfield and Fairfield Turnpike Company shall be vested with all the power, authority, immunities, tolls, privileges, and advantages, in all and every respect, that are now vested in the Bardstown and Louisville Turnpike Road Company, subject to the like limitations and restrictions as if introduced and repeated herein, except so far as they are altered and modified by this act, and so far as it requires the State to take stock in the said road company.

Powers and privileges of President and managers.

SEC. 5. That the President and Managers, at any time after the organization of this Company, may again open the books for subscription, or sell the residue of stock, or so much thereof as they may deem proper, but not for less than par; and they shall have three years from the passage of this act to organize said Company and commence the work, and ten years to complete it in. And it shall be lawful for the County Courts of Nelson county and of Jefferson county, and the towns of Bloomfield and Fairfield, or either of them, to subscribe for and hold stock in said Company; and if taken, to raise the money to pay for the same by an ad valorem tax on the taxable estate within their respective jurisdictions: *And, provided further*, That the Louisville Turnpike Company may subscribe for stock in said Company, and to the amount of stock thus subscribed for and taken by said Louisville Turnpike Company, said Company may increase the capital stock of their said Company, provided the same shall not exceed ten thousand dollars.

May re-open books for stock to be subscribed.

SEC. 6. *Be it further enacted*, That the citizens of Bloomfield, and persons residing within one mile of the said road when made, who shall subscribe and pay for stock in said Road Company, shall, for each two shares of stock thus

The bonds of stockholders to be exempt from working roads, &c.

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subscribed and paid for, have exempted one hand from working on any public road, for and during the time he, she, or they, shall continue to reside within one mile of said road: *Provided*, that nothing in this act shall be held as requiring the State to advance any money in aid of said incorporation.

Approved February 14, 1850,

CHAPTER 152.

AN ACT for the benefit of the Bourbon County Agricultural Society.

Hacks, omnibuses, &c. to obtain license from Directors, &c., or shall not convey passengers to grounds for pay.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no hack, carriage, buggy, omnibus, or other vehicle, shall, during the days on which the Bourbon County Agricultural Society holds its annual fairs, be permitted to convey passengers, for pay, from any point within the town of Paris, to the ground on which such annual fairs are held, unless the owner or owners, or driver of such hack, carriage, buggy, omnibus, or other vehicle, first obtain from the Directors of said Society a license, authorizing him or them to convey passengers for pay.

Penalty for violation of first section.

Marshal of society to prevent running of unlicensed vehicle, &c.

SEC. 2, That any person who shall violate the provisions of this act, shall be liable to a fine of not less than five nor more than twenty dollars, to be recovered by warrant before any Justice of the Peace for Bourbon county; and the Marshal of said Society, by order of the Directors thereof, shall have power to prevent any person from running any unlicensed hack, carriage, buggy, omnibus, or other vehicle, by taking possession thereof.

Approved February 14, 1850.

CHAPTER 153.

AN ACT for the benefit of the Trustees of the Kentucky Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present Trustees of the Kentucky Seminary, or any two of them, may convene called meetings of the Board, and appoint a Chairman *pro tem*. for the transaction of business, and the acts of any two of said Board shall, in all respects, be as binding as though done and performed by a regularly constituted Board, under existing laws.

Approved February 15, 1850.

CHAPTER 156.

AN ACT to incorporate the Lancaster Seminary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Alexander R. McKee, Nich-

olas Sandifer, John F. Logan, James McMurtry, Walter C. Bailey, and Lewis Landram, be and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Lancaster Seminary, and by that name shall have perpetual succession, and a common seal.

SEC. 2. That upon the death, resignation, or removal of any of the said Trustees, or their successors, a majority of the remaining Trustees shall have power to fill any such vacancy or vacancies, and the person or persons, so appointed, shall possess the same powers and privileges as if named in this act; and by the name and style of the Trustees of the Lancaster Seminary, may sue and be sued, plead and be impleaded, in any court of law or equity.

SEC. 3. That it shall be the duty of said Trustees to assemble as often as they may think proper, and make such examinations into the progress of the students and management of the general concerns of the institution as they may deem necessary.

SEC. 4. That a majority of said Trustees shall form a quorum to do business; that they shall have power, from time to time, to select a teacher or teachers, and to make and enact such rules and by-laws for the government of said institution as they may deem expedient, not inconsistent with the laws of this Commonwealth.

SEC. 5. That said Trustees shall, at their first, or subsequent session, as they may choose, elect a President of said Board, and such other officers as they may deem necessary.

SEC. 6. That said Trustees shall be invested with power to sell and convey any land which may have been appropriated for the benefit of said Seminary, and to do all other acts for the benefit of said Seminary which might have been done by the Trustees who were appointed by the act establishing said Seminary.

Approved February 20, 1850.

1850.

Corporators' names.

Name & style.

Vacancies—how filled.

Duties of Trustees.

Teachers to be selected. By-laws may be made.

Officers to be elected.

Trustees may sell and convey lands.

CHAPTER 158.

AN ACT to establish the town of Brownsburg, in Washington county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for John J. Driskill, of Mercer county, to lay off any number of acres of land, not exceeding twenty, of the tract of land owned by him, and part of which is situated in Washington county, and on which certain houses and mills have been erected, as a town, with the necessary streets and alleys, and in lots of such size as he may deem proper, which town shall be known and called by the name of Brownsburg.

SEC. 2. That John J. Driskill, Thomas Brown, and Thos.

Description of land to be laid off.

1850.

Trustees ap-
pointed.

Royalty, be and they are hereby appointed Trustees of said town, and they shall have power to appoint two other persons to act in conjunction with them, as such, if they deem it necessary, and who shall have the same power and authority which the Trustees of other towns of this State possess under the general laws regulating towns.

Trustees to be
annually elect-
ed.

Sec. 3. That it shall be lawful for the free white male citizens of said town, over twenty one years of age, who are legal voters, annually, to elect five Trustees for the government of said town; the election to be held on the first Saturday in April, eighteen hundred and fifty-one, and on the same day in each year thereafter, until which time the Trustees herein appointed shall remain in office, and until their successors shall be duly qualified.

Vacancies—
how filled.Record of pro-
ceedings to be
kept. Trustees
to take an oath.

Sec. 4. That said Trustees shall have power to fill vacancies which may occur in that body until the regular election; they may make such by-laws as they may deem necessary for the good government of said town, not inconsistent with the constitution and laws of this State; and they shall keep a fair and correct record of their proceedings, as Trustees; and, before they enter upon their duties, they shall take an oath before some Justice of the Peace of Mercer or Washington counties faithfully to discharge the duties of their office.

Approved February 20, 1850.

CHAPTER 160.

AN ACT to amend the charter of Campbellsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Clerk of Taylor County Court be and he is hereby directed to record the plan of the town of Campbellsville in said county, in the deed book in his office, when presented to him by the Trustees of said town, which shall be held as evidence of the plan of said town of Campbellsville; and the Trustees of said town are hereby fully authorized and empowered to convey, by deed, to the purchasers thereof, any of the lots embraced in the plan of said town.

Approved February 20, 1850.

CHAPTER 161.

AN ACT to change the name of William Sadler.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of William Sadler, of Oldham county, be and the same is hereby changed to that of William Ashley, by which name he shall hereafter be known and called.

Approved February 20, 1850.

CHAPTER 162.

1850.

AN ACT for the benefit of John J. Driskill, of Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county line between the counties of Washington and Mercer, be and the same is hereby so changed as to include in Mercer county the three acres of land owned by John J. Driskill, of said county of Mercer, and on which land are situated his houses and mill.

Approved February 20, 1850.

CHAPTER 163.

AN ACT to amend an act, entitled, act for the benefit of the Mechanics of the towns of Covington and Newport, approved February 22, 1834; also, to amend the amendatory act, approved February 12, 1849.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the first section of an act, entitled, "an act for the benefit of the Mechanics of the towns of Covington and Newport," approved February 22, 1834, and an act amendatory of said act, approved February 12, 1849, be and the same are hereby so amended as to extend the liens of mechanics and material-men, therein provided for, to all sums not under ten dollars, under their regulations and restrictions prescribed in said acts.

Extended to those furnishing materials.

SEC. 2. *Be it further enacted,* That any person or persons having a lien under this act, or the acts to which this is an amendment, on any property in the city of Covington, or that part of Kenton county which lies north of Bank Lick Creek, and a line from a point on said creek, three miles from its mouth, to the mouth of Pleasant Run, on the Ohio river, for any claim not under ten, nor over fifty dollars, upon obtaining a judgment on said claim, to the amount of not less than ten dollars, before the Mayor, or a Justice of the Peace, may file a copy of the record of said judgment, and all the accompanying proceedings, in the Clerk's office of the Circuit Court for the county of Kenton, and when ten days shall have elapsed after the rendition of said judgment, may sue out an execution thereon, which shall be issued by the Clerk of said Circuit Court, and directed to the Sheriff of said county to execute, as in other cases; which execution may be levied by the Sheriff upon the interest of the defendant or defendants, in the property subject to said lien, and the same may be sold, under the same rules and regulations which govern sales under execution in other cases: *Provided,* that before any such execution shall issue, the plaintiff or plaintiffs shall file in the said Circuit Court Clerk's office an affidavit, stating that the claim upon which said judgment was rendered, was for labor done or materials furnished, as the case may be, towards the construction or erection of a building

Mode of enforcing liens.

Affidavit as to nature and extent of lien to be filed.

1850.

for the defendant or defendants, in the city of Covington, or that part of Kenton county which lies north of Bank Lick Creek, and a line from a point on said creek, three miles from its mouth, to the mouth of Pleasant Run, on the Ohio river, within twelve months next before filing said record in said Circuit Court Clerk's office; also, describing briefly the situation or location of the property on which said lien is claimed; the nature and extent of the interest of the defendant or defendants therein, and whether there are any other liens on said property, and if so, to what amount and in whose favor, to the best of his or their knowledge; a copy of which affidavit shall be furnished by the Clerk to the Sheriff, appended to said execution, and shall authorize the Sheriff to levy said execution upon the property described in said affidavit. And upon exposing the same to sale, the Sheriff shall proclaim, publicly, the extent of the interest of the defendant or defendants therein, and all the incumbrances thereon, as set forth in said affidavit; and said sale shall not prejudice the lien of any other person or persons on said property. For copying said affidavit the Clerk shall be allowed in each case the sum of cents, to be paid by the plaintiff, and taxed in the bill of costs; and for all other services, hereby required, he shall receive the same fees as for similar services in other cases: *Provided further*, that nothing herein contained shall prevent the Sheriff from making the amount of said execution out of any other property belonging to the defendant or defendants which would be subject to execution in other cases: *Provided, also*, that either party may appeal from said judgment to the Circuit Court, under the rules, regulations, and restrictions, which govern appeals in other cases; and no execution shall issue on said judgment while said appeal is pending.

Sheriff's duty.

Fees to Sheriff and Clerk.

May levy on other property.

Appeals allowed.

Sec. 3. *Be it further enacted*, That when any person or persons shall lodge in the Circuit Court Clerk's office the record of the proceedings, with a judgment of the Mayor or a Justice of the Peace in his or their favor, as provided for in the foregoing section, the Clerk shall note the same as filed under the Mechanics' Lien Law, and the same shall operate to secure and perpetuate his or their lien, whether an appeal has been taken from said judgment or not, as effectually as if a bill in chancery had been filed at the same date for the purpose of enforcing the same; subject, however, to be defeated in case said judgment is not sustained on trial of the appeal to the amount of ten dollars; and nothing in this act contained shall destroy or impair any of the remedies now in force under the acts to which this is an amendment.

Sec. 4. *Be it further enacted*, That so much of the second section of said act, approved 22d of February, 1834, as requires all sales to be made upon a credit of six, twelve, and

Clerk's duty in relation to lien.

Credit on sales to be fixed by Chancellor.

eighteen months, be and the same is hereby repealed, and that all sales hereafter made under the provisions of said act shall be upon such credit as the Chancellor shall order and decree.

1850.

Approved February 20, 1850.

CHAPTER 165.

AN ACT for the benefit of Letcher county.

Whereas, it has been represented to the present General Assembly, that the County Court of Perry county has failed to comply with the second section of an act, entitled, an act to change the time of holding the Letcher County Court, and for other purposes, approved March 8, 1843. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Letcher County Court, or the Justices that compose said Court, shall file their bill in the Letcher Circuit Court against the Justices composing the Perry County Court, setting forth therein the amount of lands sold and applied by the County Court of Perry within the bounds that now compose the county of Letcher, after the passage of an act to appropriate the vacant lands of this Commonwealth, north and east of the Tennessee river, to the counties in which they lie, for the purpose of internal improvement, approved February 28, 1835, up to the passage of an act forming the county of Letcher, approved March 3, 1842, inclusive.

May file bill
against Perry
County Court,
and for what
purpose.

SEC. 2. The Judge of the Letcher Circuit Court shall, upon such bill, satisfactory proof being made as to the quantity of lands appropriated by the County Court of Perry in the bounds of the territory that composed the county of Letcher, at the time of the passage of the act establishing the county of Letcher, back to the 28th of February, 1835, and the price thereof, compel the County Court of Perry to provide and pay, out of the land treasury for said county, so much as the amount of sales of lands in said county of Letcher during the time aforesaid.

Powers con-
ferred on Judge
Letcher Circuit
Court.

SEC. 3. That the Judge of the Letcher Circuit Court shall have full power to compel the County Court of Perry to provide for the settlement of the amount of said sales to the County Court of Letcher, by attachment or other compulsory process, and full and complete power to enforce this act: *Provided*, that the process be executed upon all of the Justices commissioned in said county of Perry in accordance with existing chancery practice.

Compulsory
process may is-
sue.

SEC. 4. That the amount accruing for lands sold in the limits of Letcher county, as defined in the first section of this act, shall bear interest at the rate of six per cent. per annum from the 15th day of December, 1843.

Amount to
bear interest.

1850.

How fund to
be applied.

SEC. 5. That the Letcher County Court shall apply the amount due them from said County Court of Perry to the reduction of their county levy.

Approved February 20, 1850.

CHAPTER 166.

AN ACT to incorporate the town of Clintonville, in Bourbon county.

Name & style,
corporate pow-
ers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the citizens of the town of Clintonville, in Bourbon county, be and are hereby incorporated and made a body politic and corporate, under the name and style of the town of Clintonville, with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and to do and perform all such acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully do and perform.

Trustees to be
elected—when—
term of office.

SEC. 2. That on the second Saturday in April next, and on the same day in each succeeding year, an election shall be held in said town for the choice of seven Trustees, to serve said town for the ensuing twelve months, and until their successors are duly elected and qualified; and all resident white male citizens of said town, over the age of twenty one years, shall have the right to vote in said election; but no person shall be qualified to act as Trustee who shall not be a resident of said town, nor until he shall have taken an oath, before a Justice of the Peace, faithfully to perform the duties of the office of Trustee of said town. The first election shall be held under the supervision of the Sheriff, or a Justice of the Peace for said county.

To take oath.

By-laws may
be made.

SEC. 3. That said Trustees may make such rules, regulations, and by-laws, for the government of said town, as they may deem advisable, provided they are not incompatible with the constitution and laws of this State. or of the United States.

Streets and
alleys to be
opened, paved,
&c.

SEC. 4. That said Trustees shall have power to open the streets and alleys of said town, to grade, pave, and McAdamize them, and to make such other improvements for the benefit of said town as they may deem proper.

Taxes may be
levied.

SEC. 5. That the said Trustees shall have power to tax the real and personal property of said town, *ad valorem*, not exceeding twenty five cents for each hundred dollars of value thereof; and they shall have power to levy a capitation tax on all white male citizens and resident slaves over twenty one years of age, not to exceed one dollar in each year; and they may appoint a Marshal and Collector for said town, to serve them for twelve months; and may require the Collector to give bond and security for the faithful performance of his duties, in such penalty as they may deem proper.

Sec. 6. That this charter may be altered or amended at the pleasure of the General Assembly. 1850.

Approved February 20, 1850.

CHAPTER 167.

AN ACT to incorporate the town of Centreville, in Bourbon county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the village of Centreville, in the county of Bourbon, is hereby incorporated, and made a body politic and corporate, under the name and style of the Town of Centreville, with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and to do and perform all such other acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully do and perform.

Name & style,
corporate pow-
ers.

SEC. 2. That on the first Saturday in April next, and on that day in each succeeding year, an election shall be held in said town, for the purpose of choosing seven Trustees, to serve for twelve months, and until their successors are duly elected and qualified; and all resident white male citizens in said town, over the age of twenty one years, shall have the right to vote in said election; but no person shall be qualified to act as Trustee, who shall not be a resident of said town, nor until he or they shall have taken an oath, before some Justice of the Peace, faithfully to perform the duties of the office of Trustee of said town.

Trustees to be
elected—when—
term of service.

SEC. 3. That said Trustees may make such rules, by-laws, and regulations, for the government of said town, as they may deem advisable, provided they be not incompatible with the constitution and laws of this State, or of the United States.

To take oath.

By-laws may
be made.

SEC. 4. That said Trustees shall have power to open the streets and alleys of said town, to grade, pave and McAdamize them, and to make such other improvements for the benefit of said town as they may deem proper.

Streets and
alleys may be
opened, paved,
&c.

SEC. 5. That said Trustees shall have power to tax the real and personal property of said town, *ad valorem*, not exceeding twenty five cents on each one hundred dollars of value; and they shall have power to levy a capitation tax on all white male inhabitants, and slaves over twenty one years of age, not exceeding one dollar in each year; and they may appoint a Collector and Marshal for said town, annually, to serve them for twelve months; and as often as they shall appoint a Collector, they may require him to give bond and security, for the faithful performance and discharge of his duties, in such penalty as they may deem proper.

Taxes may be
levied.

SEC. 6. That this charter may be altered or amended at the pleasure of the General Assembly.

Approved February 20, 1850.

1850.

CHAPTER 168.

AN ACT for the benefit of the Sheriff of Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Oldham county be and he is hereby allowed until the third Monday in May next to return his delinquent list of revenue to the Oldham County Court for the year 1849, and upon his producing a certified copy of the same from the Clerk of said Court, the Second Auditor is hereby authorized and required to receive the same, and credit him by the amount as though said list was returned in due time under the law now in force.

Approved February 20, 1850.

CHAPTER 169.

AN ACT to incorporate the town of Chaplain, in the county of Nelson.

Extent of
boundary.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the town of Chaplain, in the county of Nelson, as the same is now laid out, or may hereafter be laid out by the Trustees and corporate authorities of said town, herein created, be and the same is hereby established and incorporated, with the several streets and alleys, and the lots as respectively laid out and numbered, or may be laid out and numbered hereafter upon the plat thereof: *Provided*, that the ground thus laid out shall not exceed twenty five acres. And it shall be the duty of the Trustees of said town to cause the same to be surveyed, and the survey and plat to be recorded in the Clerk's office of the Nelson County Court.

Survey to be
made.Trustees ap-
pointed.Trustees to be
elected.

Sec. 2. That Doctor George Harrison, Thomas K. Marshall, William Murphey, Western Rowland, and Hezekiah Barnard, are hereby appointed Trustees for said town, and shall remain in office until the first Saturday in May, 1850; upon which day, and upon the first Saturday in May in each succeeding year, the free white male inhabitants of the said town, of the age of twenty one years and upwards, shall meet at such place as may be designated by the Trustees of said town, and choose five fit persons, by vote, *vi-va voce*, to serve as Trustees of said town for one year, and until their successors are duly elected and qualified.

Powers and
duties of Trust-
tees.

Sec. 3. That the said Trustees, and their successors in office, are hereby appointed a body corporate and politic, with power to enact ordinances, by-laws, and regulations, for the government of said town, not inconsistent with the constitution and laws of this State, or of the United States; to levy a tax on the real and personal estate and tythes; to appoint an Assessor to value the said property, and make a list of all the tythes, and a Collector to collect the tax, to be appropriated by the Trustees to meet the ordinary expenses of said town, and for the improvement thereof: *Provi-*

ded, that the tax shall not exceed the sum of twenty cents on the hundred dollars worth of property, and fifty cents on each tythe within the bounds of said town.

1850.

SEC. 4. That said Collector shall have power to collect the taxes assessed, and for that purpose may make distress and sale as Sheriffs are now allowed by law to collect the revenue of this State. The Trustees shall require him to give bond, and shall make him a reasonable compensation for his services.

Collector's powers.

Collector to give bond.

SEC. 5. That the Trustees may appoint a Clerk, whose duty it shall be to keep a fair record of the proceedings of the Board of Trustees; and he shall give public notice, by advertisement in said town, of any election of Trustees, at least ten days before such election; and it shall be his duty to conduct such elections, to determine the qualifications of the voters, to declare the persons elected, and to record the same.

Clerk to be appointed; his duties.

SEC. 6. It shall require the concurrence of a majority of the Trustees to exercise the powers granted in this act; and in the event of a failure to make an election on the first Saturday in May, 1850, the Trustees herein appointed shall continue in office until their successors are duly elected; and the said Trustees shall have power to fill all vacancies in their own body, occurring between the times of election; and they may change the time of holding elections to suit the citizens of said town.

Majority required to transact business—term of office—vacancies—how filled.

SEC. 7. The said Trustees, Assessor, Collector, and Clerk, authorized by this act, shall take an oath, before some Justice of the Peace of Nelson county, well and truly to perform the duties of their respective offices before entering upon the same.

Oath of officers.

Approved February 20, 1850.

CHAPTER 170.

AN ACT allowing additional Constables to Harrison and Washington counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Constable is hereby allowed to the county of Harrison, who shall reside in the town of Claysville.

SEC. 2. That an additional Constable is hereby allowed to the county of Washington, who shall reside in the District in which Robert G. Mitchell, a Justice of the Peace, resides.

Approved February 20, 1850.

1850.

CHAPTER 171.

AN ACT, to amend the Road Law of Bracken county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of June next, it shall be lawful for the County Court of Bracken to appoint but one road Commissioner instead of three, as heretofore; and the duties of the one Commissioner shall be the same as those heretofore imposed upon the three: and that the moneys forfeited upon such road precinct shall be collected, as heretofore, and paid over to the overseer of each precinct where such forfeiture arises, and by him expended upon the roads within said precinct.

One road Com.
to be appointed.

SEC. 2. That the Bracken County Court shall have the right to reject this amendment at their April or May term; a majority of all the Justices present voting against it.

May be reject-
ed by County
Court.

Approved February 20, 1850.

CHAPTER 172.

AN ACT for the benefit of Henry E. Dehaven.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry E. Dehaven is hereby granted the privilege of building a mill dam across Rough Creek, at a place called Hite's Falls, not exceeding five feet in height: *Provided*, said dam does not cause an overflow of the banks of the Creek at or near said dam, so as to materially injure individuals.

Approved February 20, 1850.

CHAPTER 173.

AN ACT for the benefit of James A. Carr, of Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, an act for the benefit of the Trustees and citizens of the town of Princeton, in Caldwell county, approved January 30, 1847, as authorizes the Trustees of said town, by motion, in their name, to the County Court of said county, to cause a writ of *ad quod damnum* to be issued by said Court, for the purpose of opening second south or Washington street, from main cross street, to intersect with the Logan, Todd, and Christian Turnpike Road, leading from Princeton to Hopkinsville, be and the same is hereby repealed, so far as said second or Washington street was contemplated by said act to run between the tan yard of Richard Barnes and the said Logan, Todd, and Christian Turnpike Road; and the said Trustees of the town of Princeton are hereby prohibited from extending said second street, or Washington street, from E. A. Calvert's stone shop, further than the

intersection of the extension of the street between the residences of T. L. McNary and T. J. Flournoy, running in the direction of said tan yard.

1850.

Approved February 20, 1850.

CHAPTER 174.

AN ACT for the benefit of John R. Rose, of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of John R. Rose, of Carter county, be and the same is hereby changed to that of John R. Boggs.

Approved February 20, 1850.

CHAPTER 175.

AN ACT for the benefit of Henry Dixon.

Whereas, by an act of this General Assembly, approved 1st March, 1844, the houses and farm of Henry Dixon, north of North street, in the town of Paintsville, in Johnson county, was taken into the corporate limits of said town. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the farm of said Dixon, including his houses, as border and lie north of North street, of said town, be and the same is hereby excluded from the limits and corporate bounds of said town.

Approved February 20, 1850.

CHAPTER 177.

AN ACT for the benefit of S. F. Gano and D. H. Smith.

Whereas, Stephen F. Gano and D. Howard Smith, of Scott county, are bound to this Commonwealth in a bond executed for the return and delivery in good condition, certain arms borrowed by, and for the use of, the "Georgetown Artillery;" and, whereas, three of the muskets borrowed by said Artillery company have, by accident, been lost. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Stephen F. Gano and D. Howard Smith be and they are hereby released upon their said bond for the return of said lost guns: *Provided*, they have the balance of said arms returned within twelve months from the passage of this act.

Approved February 21, 1850.

1850.

CHAPTER 178.

AN ACT to amend the act incorporating the Franklin Fire Company, No. 2, of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of the "Franklin Fire Company, No. 2, of Covington," be changed to the "Independent Franklin Fire Company, of Covington," and that B. B. Weidler, John Galbaugh, L. C. Bakes, Jr., George Dempsey, Alfred Martin, and H. F. Bowen, and their associates, are hereby created a body politic and corporate by said name, and as such shall have perpetual succession, and be capable, in law, of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in any action or suit in any court whatever; and may have and use a common seal, and change the same at pleasure; and the first section of said act, to which this is an amendment, is hereby repealed.

Approved February 21, 1850.

CHAPTER 179.

AN ACT for the benefit of Mary Pettinger, of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to draw his warrant upon the Treasurer, in favor of Mary Pettinger, widow of Aaron Pettinger, deceased, for the sum of forty six dollars; the said Pettinger having paid to the Clerk of the Fleming County Court fifty dollars for license to sell clocks, and died in one month afterwards.

Approved February 21, 1850.

CHAPTER 180.

AN ACT for the benefit of Emily Jane English, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Emily Jane English, widow of Elisha W. English, deceased, in her own right, and for her children, infant heirs of the said decedent, viz: Robert G.; Kitty Jane, Thos. D., and Mary Frances English, be authorized to file a petition in the Trimble Circuit Court, praying the sale of a certain tract of land, being the real estate of said decedent, lying in Trimble county, on the waters of the little Kentucky, containing about one hundred and twenty five acres.

SEC. 2. That upon the filing of such petition, should the Court be satisfied that it would redound to the interest of of said Emily Jane English, and said infant heirs, he is hereby fully authorized to decree a sale of said land, upon such terms, rules, and regulations, as to said court may seem most conducive to the interest of said widow and infant heirs.

Approved February 21, 1850.

CHAPTER 182.

1850.

AN ACT to amend the charter of the Flemingsburg and Mt. Carmel Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of the Flemingsburg and Mount Carmel Turnpike Road Company, be so amended as to authorize the books for subscription of stock to be kept open for such length of time as may be necessary to subscribe the whole amount of stock.

SEC. 2. That when a sufficient amount of stock is subscribed to finish three miles of said road, the same may be commenced; and when three miles shall be made, the company may erect one gate and receive tolls for passing through the same: *Provided*, that a greater rate shall not be charged for toll than is, at the same time, charged on the Maysville and Mt. Sterling Turnpike Road.

Approved February 21, 1850.

CHAPTER 183.

AN ACT for the benefit of James H. Kinney.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the venue in the prosecution, now pending in the Hancock Circuit Court against James H. Kinney, for felony, be changed to the county of Breckinridge, pursuant to the provisions of an act to provide for a change of venue in criminal cases, approved February 23d, 1846.

Approved February 21, 1850.

CHAPTER 184.

AN ACT for the benefit of Benjamin F. Wilkerson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue be and is hereby granted to Benjamin F. Wilkerson, indicted in the Fulton Circuit Court for obtaining money under false pretences, from the county of Fulton to the county of Graves, in pursuance of an act prescribing the mode for changing the venue in criminal cases, approved February 23, 1846.

Approved February 26, 1850.

CHAPTER 185.

AN ACT to incorporate the town of Mount Gilead, in Pulaski county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Mount Gilead, in the county of Pulaski, as the same is now laid out, or may hereafter be laid out, by the Trustees thereof, be and the

Town incorporated, boundaries, &c.

1850.

same is hereby established and incorporated, with the several streets, alleys, and lots, laid out and numbered, or which may be laid out and numbered hereafter, upon the plat thereof: *Provided*, that the ground thus laid out shall not exceed twenty five acres; and it shall be the duty of the Trustees of said town to cause the same to be surveyed, and the survey and plat thereof to be recorded in the office of the Pulaski County Court.

Trustees
names, their
powers, duties,
&c.

Charter of
Chaplin applica-
ble to this town.

SEC. 2. That W. S. Buchanan, J. W. Hansford, Hardin Samuel, W. B. Black, and P. H. Sanders, are hereby appointed Trustees for said town, with all the powers and privileges pertaining to Trustees of towns generally, and especially to those of the town of Chaplin, in Nelson county; to remain in office the same time, and their successors to be chosen in the same manner as those of said town of Chaplin; and that each and every provision of the charter incorporating said town of Chaplin, be and the same is hereby made applicable to the town of Mount Gilead, in Pulaski county.

Approved February 26, 1850.

CHAPTER 187.

AN ACT for the benefit of the estate of George Roberts, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William Roberts, of Owen county, executor of George Roberts, deceased, to file his bill in the Owen Circuit Court, making the heirs of said George Roberts parties thereto, praying for authority to sell and convey the real estate of said decedent, lying in Owen county, and in the town of Warsaw, Gallatin county, in such quantities and upon such terms as the said executor shall deem right and expedient for the interest of the heirs and benefit of the estate; and upon being satisfied that it will be proper, and will redound to the benefit of said estate, it shall be lawful for the Judge of said court to decree accordingly: *Provided*, that said executor, before the rendition of such decree, shall execute bond, with approved security, and with adequate penalty, conditioned for the proper appropriation and disposition of the money arising from the sale of said lands.

Approved February 26, 1850.

CHAPTER 188.

AN ACT to establish an election precinct at Yarnallton, in Fayette county.

Precinct
in
Fayette.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an election precinct be established at Yarnallton, in Fayette county; and it shall be the

duty of the Fayette County Court to appoint Judges and Clerk for said precinct, to be governed by the general laws regulating elections in this Commonwealth.

1850.

SEC. 2. That an additional election precinct be established in Madison county at the tavern house of Adam Rogers, in the town of Rogersville.

Precinct in
Madison.

Approved February 26, 1850..

CHAPTER 190.

AN ACT to incorporate the Kentucky Mutual Life Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That S. E. Mack, C. A. Withers, D. Moor, R. H. Ball, J. T. Morehead, W. B. Robbins, John Mackoy, and J. R. Payson, and their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, by the name of the Kentucky Mutual Life Insurance Company; to be located in the city of Covington; and, by that name, they and their successors shall and may, forever hereafter, be capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record in this Commonwealth, and in every other place or places whatsoever; also, to devise, have, and use a common seal, and the same to break, alter, and renew at pleasure; also, to ordain and establish all such by-laws, rules, and regulations, as shall be necessary and convenient for the government of said corporation and for the proper management of the concerns thereof; also, to purchase, hold, and convey any estate, real or personal, for the use of said corporation: *Provided*, the real estate so holden be only such as shall be necessary for the erection of buildings thereon in which to meet and transact business, or such as shall have been mortgaged to it by way of security, or conveyed in satisfaction of debts contracted in the course of its business, or taken in execution on judgments or decrees which shall have been obtained for such debts, or for other cause.

Corporators
names:

Name & style:

Their corporate powers & privileges.

SEC. 2. It shall and may be lawful for said Company, at such rates of premium as they shall find expedient, to make all and every insurance appertaining to, or connected with, life risks, annuities, survivorships, endowments, and like contracts based upon the duration of life.

May insure—
lives, &c.

SEC. 3. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving her husband, the sum, or nett amount of the insurance, becoming due and payable by the terms of the

Women may
insure the lives
of husbands.

1850.

Insurance money not liable for husband's debts.

insurance, shall be payable to her and for her own sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable, after her death, to her child or children, for his, her or their benefit, and to his, her, or their guardian or guardians, if under age: *Provided*, that this section shall not apply to insurance when the annual premium on the policy shall exceed the sum of three hundred dollars, unless paid from the private property of the wife.

Company may take notes for premiums.

SEC. 4. It shall and may be lawful for the officers of said corporation to take the notes or obligations of the insured, either in part or for the whole of the premium of insurance, at the discretion of the Company.

Capital stock to be subscribed before policies issue.

SEC. 5. Before any policy of insurance shall be issued by said Company, an original guaranty fund, or capital stock of one hundred thousand dollars, consisting of shares of one hundred dollars each, shall be subscribed, of which the sum of twenty dollars per share shall be paid into the funds of the Company, within the term of sixty days from the date of the passage of this act, and the residue shall be paid on assessments of not exceeding ten dollars at any one time, upon each and every share, as may be required for the payment of losses: *Provided*, that every shareholder shall be required, as security for the punctual payment of said assessments, to deposit with the Secretary of the Company good and sufficient securities of the par value of eighty dollars for each and every share subscribed as aforesaid: *Provided, also*, that the said fund may be, from time to time, increased in amount, as the same shall be found requisite or expedient for the greater security of the insured.

Shareholders to deposit securities.

Capital stock may be increased.

Directors when and how elected, &c

Annual elections, when to be held.

Directors may adopt by-laws, &c. Directors and stockholders to be citizens of Ky.

SEC. 6. Within thirty days subsequent to the subscription and payment of the guaranty fund, as aforesaid, the subscribers to said fund shall meet for the purpose of electing eight Directors of the Company, who shall serve until the third Wednesday of May next ensuing, at which time the annual meeting of the stockholders shall be held at the office of the Company for the purpose of electing Directors, and such officers as may be requisite for carrying on the business of said corporation; and it shall be the duty of said Directors, for the time being, to superintend the affairs of the Company, and put in execution all such by-laws, rules, and regulations, as shall be adopted for the government of said corporation, and for the proper management of the concerns thereof; and all of said Directors, as well as all of the subscribers to the guaranty fund aforesaid, shall be citizens and residents of this Commonwealth.

SEC. 7. At the expiration of twelve months from the date

of the first policy issued by said Company, an account shall be taken of premiums received on all policies issued during the preceding year, also of the expenses, not exceeding in the aggregate fifteen per cent. of said premiums, incurred in the transaction of the business of the year, and seven per cent. of the nett amount of said premiums, after deducting said expenses, but without deduction of losses paid, shall be set apart and held as a dividend upon the gross profits of the preceding year, payable to the insured upon the next renewal of his or their policy, in cash, or by endorsement upon promissory note, if any, given for premium or premiums to said Company, and remaining unpaid; and a similar account of premiums and expenses shall be computed annually, and a dividend of seven per cent., as aforesaid, shall, at the expiration of each and every year, as aforesaid, be divided among the holders of policies issued by said Company; and the residue of said nett profits, not thus divided, shall be added to the guaranty fund, so long as the premiums, including promissory notes, due upon the same, shall be punctually paid at maturity: *Provided always*, that if the nett profits of any year's business shall be found to fall short of the amount of the dividend computed, as aforesaid, then, and in that case, seventy five per cent. of the said nett profits shall be divided among the insured, payable as aforesaid, in the proportion of their respective premiums to the aggregate premiums received by said Company during the preceding year.

1850.

Estimate of
affairs to be an-
nually made.

Dividends of
profits when &
how made.

Nett profits to
be added to cap-
ital.

SEC. 8. This act shall be subject to alteration, amendment, or repeal, at the will of the Legislature.

Approved February 26, 1850.

CHAPTER 191.

AN ACT for the benefit of Elizabeth Taylor and Elizabeth McDowell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Elizabeth Taylor, of Woodford county, and Elizabeth McDowell, of Jessamine county, be rendered capable, in law and equity, to transact any business, as though they were unmarried women.

Approved February 26, 1850.

CHAPTER 193.

AN ACT to incorporate the Lebanon and Perryville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed, under the name and style of the Lebanon and Perryville

Name, and
style, & object.

1850.

Turnpike Road Company, for the purpose of constructing an artificial road from the town of Lebanon, in Marion county, to the town of Perryville, in Boyle county.

Capital stock.

SEC. 2. The capital stock of said company shall be thirty thousand dollars, to be divided into shares of fifty dollars each, and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors may increase it to such amount as they may deem necessary, and open subscription therefor in such way as they deem necessary.

May be increased.

Books to be opened.

Com'rs to open books.

SEC. 3. Books for the subscription of stock in said company shall be opened on the 15th day of February instant, or as soon thereafter as may be convenient, at the town of Lebanon, under the direction of John P. Reid, A. K. Young, Samuel Spalding, and James M. Fogle; and at the town of Perryville, under the direction of James P. Mitchell, John A. Burton, William Brown, Joseph Frost, Wm. Crawford, Gabriel S. Caldwell, and A. J. Walker; and at Brewer's shop, in Marion county, under the direction of David Herrigan, James Crowdus, and Bannister Taylor, or some two or more of them at each place, who are appointed Commissioners; the said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We whose names are hereto subscribed, severally, promise to pay the President, Directors, and Company of the Lebanon and Perryville Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our several names, and agreeably to an act of the General Assembly of Kentucky incorporating said company. Witness our hands, this day of 1850." And in case any persons wish to pay their stock in work, on said road, they shall append to their names the following words—"to be paid in work on said road, at such time, and in such manner, and at such valuation, as may be prescribed by the President and Directors of the Company."

Obligation to be signed.

Danville, Hustonville, &c., charter, adopted.

SEC. 4. All the sections of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved 1st of March, 1844, beginning at the fourth section to the thirty fifth section, inclusive, are hereby incorporated and made part of this charter, with all the powers, privileges, rights, and immunities therein contained, so far as applicable.

Road may be set out to individuals.

SEC. 5. The President and Directors shall have power to let out portions of said road to individuals who may agree to construct the same, and take their pay in stock, provided they do not agree to allow for the construction of the same more than the estimated cost of the Engineer.

SEC. 6. That the President, Directors, and Company, shall be allowed to use stone or gravel, as they may elect, in the construction of said road, or any part thereof.

SEC. 7. There shall be no toll gate or gates erected within less than one mile of the towns of Lebanon or Perryville.

1850.

SEC. 8. Whenever the sum of ten thousand dollars of stock shall be subscribed, said company may organize, by the election of a President and six Directors, who may proceed to put under contract such part or parts of said road as they may deem proper, having due regard to the locality of stock subscribed.

President and Directors to be elected.

SEC. 9. Individuals or companies shall be allowed to subscribe, as stock in said company, that they will construct one mile or more, or a fraction of a mile of said road, and may designate the beginning point; and every such subscription shall be construed for the purpose of making the ten thousand dollars of stock; upon the taking of which, the company shall organize at the rate of two thousand dollars per mile; but, in actual stock, shall be such sum as the Engineer, with the concurrence of the President and Directors, shall estimate the cost to be.

Stock may be subscribed and worked out.

SEC. 10. That all such publications as are required to be made in the Danville Tribune, by the act incorporating the Danville and Hustonville Turnpike Road Company, shall be made in the Ploughboy, at Harrodsburg.

Publications where to be made.

SEC. 11. That any person living within one mile and a half of said road, and taking stock to the amount of one hundred dollars in said road, shall have one hand exempt from working on any road in the county.

Exemptions from working roads.

SEC. 12. That the Legislature reserves the right to alter, change or amend this charter.

May be altered.

SEC. 13. That the Marion County Court, a majority of all the Justices consenting, be authorized to levy a tax on the property of the citizens of said county, not exceeding five cents upon the one hundred dollars' worth, on the *ad valorem* principle, to aid in the construction of said road within said county.

Marion County Court may levy tax.

Approved February 26, 1850.

CHAPTER 194.

AN ACT to incorporate the City of Augusta.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the county of Bracken, as is now embraced within the boundaries of the town of Augusta, and also such other portions or parts of said county, adjoining to and immediately in the vicinity of said town, as the owner or owners thereof may desire, shall be and is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of the city of Augusta; and as such, by that name, shall be cap-

Name & style.

1850.

Corporation
boundaries, &c.

able in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; and may have and use a corporate seal, and change, alter, and renew the same at pleasure: *Provided, however*, that no part of said county of Bracken shall be included within the boundaries of the proposed city of Augusta, other than that now included within the boundaries of the town of Augusta, unless the owner or owners of the ground which may be proposed to be included within the bounds of said proposed city, his, her or their properly authorized agent, shall give his, her or their assent thereto, in writing, on or before the 1st day of April next, which said assent, in writing, shall be properly acknowledged and recorded in the Clerk's office of the county of Bracken, and in the record book of the Trustees of said town of Augusta.

Mayor and
Councilmen—
how elected,
&c.—their pow-
ers and duties.

SEC. 2. *Be it further enacted*, That the fiscal, prudential, and municipal concerns of the said city, with the government and control thereof, shall be vested in one principal officer, to be called a Mayor, and one City Council, consisting of eight persons, to be denominated the Board of Councilmen; who shall be elected, for the first time, on the first Saturday in April next, in the way that the Trustees of the town of Augusta have heretofore been elected; and the Councilmen shall hold their offices for one year, and until their successors shall be duly elected and qualified; and the Mayor shall hold his office for one year, and until his successor shall be duly elected and qualified; all of whom shall have resided in said city two years, next preceding the election, and be citizens of this State.

Qualifications.

Elections,
when and how
held.Electors, their
qualifications.

SEC. 3. *Be it further enacted*, That on the first Saturday in April in each year, succeeding the first election, the free white inhabitants over twenty one years of age, of said city, who, at the time being, are inhabitants of said city, and have paid their poll tax to said city, if any chargeable to them, for the year preceding the election at which they claim to vote, and who shall have, *bona fide*, resided therein for the space of six calendar months previous to said election, shall meet and vote for the Councilmen, and for a Mayor; and it shall be the duty of the Mayor and Councilmen previously elected, to appoint three suitable persons as inspectors, and to issue a warrant directing them, or a majority of them, to hold the election in the same manner as other elections are held in this State; notice of the time and place of holding the election shall be given, with the names of the inspectors; the hours of election shall be those directed by the Mayor and Councilmen. The said inspectors shall exhibit to all persons claiming the same, the list of the qualified voters, respectively; and on closing the polls at the hour mentioned in their warrant, they shall

declare the same; and those having the highest number of qualified votes, shall be declared as duly elected Councilmen; the vote given for Mayor shall be added up by the inspectors, and returned by them to the Clerk of the Board of Mayor and Councilmen, with the list of the polls of Councilmen; which list shall be certified by a majority of said inspectors, and sworn to as just and full returns of the elections; which oath shall be administered by the Mayor, or any Justice of the Peace. The return of the votes, so made, shall be received by the said Clerk, and duly recorded in a book to be kept for that purpose; and it shall be the duty of the Mayor and Councilmen to add up the votes for Mayor, and the person having the highest number of votes, shall be declared to be duly elected as Mayor of said city, for one year from the time of his election, and until a successor shall be so elected and sworn into office; and the Mayor and Councilmen, thus elected, shall be notified immediately of the same, by the Clerk of the city then in office.

1850.

SEC. 4. *Be it further enacted*, That the Mayor and Councilmen of said city shall enter on the duties of their respective offices on the Thursday succeeding the first Saturday in April, in the year in which they are elected; and before entering on the duties of their respective offices, shall each be sworn to support the Constitution of the United States, and of this State, and that they will well and truly discharge the duty of Mayor and of Councilmen of the said city, which oath may be administered to the Mayor elect by any Judge of any court of record in this Commonwealth, or by any Justice of the Peace of the county of Bracken; and the Mayor, after he is sworn into office, shall administer the said oaths to each of the Councilmen, or the same may be administered by any Justice of the Peace for Bracken county; and an entry shall be made on the record of the Board, that said oaths have been duly administered.

Mayor and council, when to enter on duties—to take oath, &c.

SEC. 5. *Be it further enacted*, That the Mayor and Councilmen, thus chosen and qualified, shall form one Board, and act together as one body; and at all meetings, the Mayor, if present, shall preside; but in his absence, the Board may elect a Chairman, for the time being; the said Board shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office, which he shall hold for one year, and until another shall succeed him, removable however at the pleasure of the Board, and shall be denominated the Clerk of the city; whose duty it shall be to keep a journal of the proceedings of the Board, to sign all warrants issued by them, and to do all acts in his said capacity, that may be reasonably required of him; and to deliver over all papers and books entrusted to him, to his successor in office, immediately on such successor

Mayor to be a member of the board, and preside at meetings.

Clerk to be chosen, his duties, &c.

1850.	being chosen and qualified, or whenever he shall be thereto required by the Mayor and Councilmen ; in all meetings of the Board, five Councilmen with the Mayor, or in the absence of the Mayor, six Councilmen shall constitute a quorum to do business, but in cases of levying the taxes, or in the elections of any officer of the city government, or the passing by-laws or ordinances, five Councilmen shall concur ; or when four Councilmen shall be found voting in the affirmative, the Mayor may be called upon to vote, and in case of his voting in the affirmative, the measure shall prevail ; the Board shall meet in some public place, provided for that purpose, and their deliberations and acts shall be public.
Quorum.	
Meetings to be public, &c.	
Mayor, his duties, compensation, &c.	<p>SEC. 6. The Mayor of said city shall be the chief executive of said corporation, and shall be compensated for his services, by a salary payable out of the funds of the corporation, to be fixed by the Board of Councilmen, exclusive of the Mayor, which shall not exceed one hundred dollars per annum, and shall not be either raised or diminished during his term of office ; and to be exclusive of all fees he may receive for certifying documents of a public or private nature, or for services rendered individuals which he may be called on to execute or perform in his official capacity ; it shall be his duty to be vigilant and active, at all times, in causing the laws and ordinances of said city to be duly executed, and put in force ; to inspect the conduct of all subordinate officers thereof, and, as far as in his power, to cause all negligence, carelessness, and positive violation of duty, to be duly prosecuted and punished ; he shall keep the public seal of said city, and shall keep an office in some convenient place in said city, and have power to administer oaths ; he shall have power to summon a Board of Councilmen at any time, and so often as he may deem advisable, notwithstanding they may have adjourned to a more distant day ; he shall preside at all meetings of the Board, except in the case before mentioned, and in case of a tie, on any question, he shall give the casting vote, but shall not otherwise have a vote in the Board, except in the cases herein before specified. It shall be his duty, from time to time, to communicate to the Board of Councilmen, all such information, and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornament, of said city ; he shall, in his judicial capacity, have exclusive original jurisdiction in all cases for the violation of the ordinances of said city, and civil and criminal jurisdiction in all cases, where, by the laws of this State, Justices of the Peace within the county of Bracken, are, or shall be, authorized to hear and determine, or in any manner have power to act ; and as to committing criminal offenders, and sending them on for trial, he shall have the</p>
May call meetings of Board.	
Shall communicate information to Board.	
His jurisdiction defined.	

1850.

power of two Justices of the Peace; and for the due and efficient exercise of the powers herein and hereby vested in him, he shall have power, and it shall be lawful for him to award all such process, and issue all such writs, as may be necessary to enforce the due administration of right and justice, throughout said city, and for the lawful exercise of his jurisdiction, agreeably to the usages and principles of law: *Provided*, that in all cases where said Mayor shall render judgment, of which, by law, the Justices of the Peace for the county of Bracken would have had jurisdiction, the party feeling himself or herself aggrieved by the decision, judgment or determination of said Mayor, shall have the same right to appeal to the Circuit Court for Bracken county, and shall be entitled to all writs and process, in the same manner and on the same terms and conditions, and subject to the same restrictions and limitations, as he or she might or could have had, had such been rendered by any Justice of the Peace for the county of Bracken; and bonds are to be taken and such proceedings had by the Mayor, in such cases, as are now had before any Justice of the Peace for said county.

SEC. 7. *Be it further enacted*, That the Mayor of said city shall have the same power and authority to take the acknowledgments of deeds and powers of attorney, and to take the privy examination of *femes covert*, and certify the same, that the Clerks of the several County Courts have within this Commonwealth; and his certificate shall authorize the recording thereof in like manner, and he shall have and be entitled to receive a fee of fifty cents, for each certificate so made; he shall have also power and authority to examine witnesses under didimuses, from any court within this or any of the United States, or foreign country, and shall be entitled to receive a fee of one dollar, for each witness examined; and in all cases where he shall affix the seal of the corporation to any document, by request, he shall be entitled to receive the sum of one dollar; he shall also have power and authority to take depositions in said city, in all other cases where Justices of the Peace are now authorized to take the same: *Provided*, that said Mayor, for the performance of such duties, and the exercise of such powers, as come within the jurisdiction of the Justices of the Peace for the county of Bracken, shall be entitled to demand and receive the same fees, and no more, as are allowed by law to Justices of the Peace, except where they are herein differently provided for; and he shall, in no case, demand or have any fee for any service rendered to said city, except the annual salary herein provided for; and he shall have the right to issue fee bills, and collect them in like manner as Justices of the Peace now have.

Mayor may
take acknowl-
edgments of
deeds, &c.

His fees.

May take dep-
ositions.

SEC. 8. *Be it further enacted*, That the Mayor and Coun-

1850.

Mayor and council to have powers heretofore granted to Trustees.

May employ watchmen, their powers and duties.

Mayor and council may receive conveyances, and open streets, &c.

cilman shall have and possess all the rights, interest, powers, and authority, heretofore vested in Trustees of the town of Augusta, either by the general laws of the Commonwealth, or particular laws now in force, in respect to the town of Augusta, with power and authority to adopt the by-laws and ordinances of said town; and the same to repeal, alter, and amend, as to them shall seem best, and with full power and authority to pass such by-laws and ordinances, with adequate penalties, as they shall, from time to time, deem expedient for the government of said city, not contrary to the constitution of this State, or the United States. The said Mayor and Councilmen shall have the power and authority to appoint and employ as many Watchmen, either for the day or night, as in their discretion they shall judge best, for the safety and advantage of the city; and such Watchmen shall be conservators of the peace, and vested with power to apprehend all felons, gamblers, rioters, breakers or disturbers of the peace, vagrants, persons of evil fame, and riotous persons, guilty of disorderly conduct, and carry them, with such evidence as they may possess, before the Mayor, or some Justice of the Peace, to be dealt with according to law; and if such apprehension is in the night, then to the watch-house for safe keeping until morning; they shall also be vested with the power and duty of patrolers.

Sec. 9. That the Mayor and Councilmen may receive conveyances, and the consent of the proprietors of lots or lands within the city, for the purpose of locating new streets or alleys, to be extended or opened; and when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said city extended, in part, or to the limits thereof, may petition the Bracken Circuit Court, stating the street or alley they wish opened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened or extended, and the width thereof; and, thereupon, said court shall order a summons to issue for such owner, to appear on some convenient day of that or some subsequent term, to show cause why such street or alley should not be opened or extended; which summons shall be executed on such owner, if in the county, if not, on the agent, if one is known; and on return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the Court shall order the street or alley to be opened or extended; and if one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the Court shall award to the proper officer, to be executed as other writs of that nature for opening roads; and on the return of the writ executed, the Court shall order the Mayor and Councilmen, if they so desire, to pay the damage assessed; and

shall order the street or alley to be opened or extended. The Mayor and Councilmen shall have full power and authority to cause all streets or alleys to be opened, and cleared of all obstructions, by the infliction of suitable fines and penalties.

1850.

SEC. 10. *Be it further enacted*, That the Mayor and Councilmen of said city shall have and possess the powers hereinafter mentioned. *First*: To purchase, hold, and sell estate within the limits of said city; also, to purchase, hold and sell personal property, and stock in incorporated companies. *Second*: The said Mayor and Councilmen shall have the power to borrow money on the credit of the corporation, and pledge any of the corporation property for the redemption of the same; or to pledge any part of the future taxes of the town for the payment of the interest on said loan: *Provided*, that the interest paid, in no case, shall exceed six per centum per annum, and that the amount on loan, at any one time to said town, shall not exceed two thousand dollars. *Third*: They are vested with the power and authority to appoint a health officer, to establish regulations which may be necessary and proper, to prevent the introduction of the small pox, and to eradicate such disease, when it shall have made its appearance in said city: *Provided*, that nothing herein contained shall be construed to give any power to establish any regulation, inconsistent with the constitution and laws of the State, or to prevent the Legislature from changing, by law, any regulation which may be made by said corporation. *Fourth*: They shall have the power to organize a fire department for the extinguishment of fires that may happen within said city; to provide engines and other apparatus for that purpose, and to appoint a suitable number of able bodied men, not exceeding twenty to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, during the time they are attached to such engines; the said engine-men to be appointed for any term that the Mayor and Councilmen shall ordain, and be discharged by them at pleasure; and the said Mayor and Councilmen shall make all necessary by-laws, to punish any inhabitant of said city for non-attendance, or disorderly or improper conduct during the time of fire. *Fifth*: The said Board shall have the power, with the concurrence of three fourths thereof, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings, in any part of said city, whereby great damages may ensue, to valuable and permanent improvements, and enforce the observance of the same, by fines and penalties. *Sixth*: They shall have power, whenever the public convenience shall require it, to prohibit hogs, cattle, horses, and other description of animals, from running at large in the streets, lanes, alleys, commons, and other public places in said city; and

Powers of
Mayor & council
fully defined.

1850.

to require and compel the abatement and removal of nuisances, within the limits of said city, under such regulations as shall be prescribed by ordinances. *Seventh:* The said Mayor and Councilmen shall have the power and authority to assess, levy, and collect taxes on such real and personal estate as they may designate; but such taxation shall be uniform on every description of property assessed; they shall, also, have power and authority to cause all stores, within the city, to be rated—first, second, and third rate—levy and collect a tax on each, not exceeding forty dollars per annum; and where stores are taxed, according to their rate, the goods therein shall not be valued and included in the assessment of property for taxation; they shall, also, have a right to tax, and the exclusive right to license all taverns, coffee houses, grocers, victuallers, confectioners, retailers, and houses of public resort, except gambling houses, or houses of ill-fame, within said town, but tavern keepers shall also be liable to pay the revenue tax of ten dollars; they shall, also, have the right to license and tax all exchange or broker's offices, within said city, in any sum not exceeding forty dollars; they shall, also, have the right to license and regulate all carts, wagons, drays, and hackney coaches, and porters which may be plying in said city for hire; they shall, also, have power, whenever in their opinion the interest of said city shall require it, to levy and collect taxes on dogs, and other domestic animals, in any sum not exceeding ten dollars on each dog or other animal; which said taxes shall be collected by the City Collector, and paid into the city Treasury, in the manner, with the powers and restrictions, and under the regulations, and in all things as hereinafter provided for; and in the sale of real or personal property therefor he shall act according to the provisions and requisitions hereinafter mentioned. They shall, also, have power and authority to pass by-laws and ordinances, with adequate penalties, for the enforcement of the powers vested by this section. *Eighth:* The said Board of Mayor and Councilmen shall appoint one Assessor annually, and two assistants, if deemed necessary; who shall take in a list of all the taxable inhabitants within said city, and affix against each the amount of his, her or their real estate within said city, with a proper description by number of, or situation; and also the true and just value of such real and personal estate of each of said inhabitants, whether in goods, stocks, manufactories, or other property, that may be designated for taxation by the said Mayor and Councilmen; which list shall be made on oath of the party; or if the party refuse to give in a list, and swear to the same, the amount shall be assessed from the best information such assessor possesses; and in each of the several wards of said city, the said lists shall be extended, to include all free males over twenty one years of age, and all slaves, with the value of each;

Assessor to be appointed, his duties defined, &c.

Articles of taxable property enumerated, &c.

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taverns, grocers, victuallers, retailers, and confectioners, and houses of public resort, except gaming houses, and houses of ill-fame; hacks, drays, carts, wagons, and porters, plying in said city for hire; and when said lists shall be completed, and returned to the Board of Mayor and Councilmen, they shall give a reasonable notice thereof, that any inhabitant of said city may examine the same; and if any one should feel aggrieved thereby, in an excess of valuation, application may be made to the Mayor and Councilmen, and on proof being made to their satisfaction, the valuation may be changed: *Provided*, the application is made within the time which may be prescribed by them; after which time no abatement or change shall be made. The Mayor and Councilmen shall proceed to lay and levy the taxes for the current year, from estimates previously submitted to the Board by the Mayor: *Provided*, the same shall not exceed forty cents on each hundred dollars for such valuations, and for the general expenses of said city government, such as the police salaries, the support of the poor, and all charges for the well governing and ordering of said city throughout; the estimate shall be presented by the Mayor. A tax shall be levied on each free male inhabitant of twenty one years of age, and upwards, except paupers, inhabiting said city, at a ratio not exceeding one dollar and fifty cents each; and when the said tax is made out and fixed, as herein provided, bills shall be placed in the hands of a collector, or collectors, to be appointed by the Mayor and Councilmen, with their warrant to collect the same; bond, with good security, in an adequate penalty, shall be taken from said collector, payable to the city of Augusta, and he or they shall be removable at the pleasure of the Mayor and Councilmen. The city collector, and his securities shall be liable to judgment, by motion in the Bracken Circuit Court, for failing to collect and pay over any sums put in his hands for collection, at the stipulated time, with ten per centum interest and costs; and five days' notice of such motion shall be sufficient; and there shall be no replevin or valuation of property on executions issuing on such judgments; a lien shall exist on the real estate and slaves of such Collector, and his securities, for the payment of all sums placed in his hands for collection. *Ninth*: No theatrical, or other show, or exhibition, or performance of any kind for money, shall be opened or held within the boundaries of said city, unless the same shall be licensed by the Mayor and Councilmen; and they shall have the right of taxing the same according to the magnitude thereof, and to pass by-laws and ordinances, regulating the same. *Tenth*: The Mayor and Councilmen shall have power and authority to establish one or more free schools in each ward of said city, and may receive donations of real and personal estate, to erect the necessary buildings, and to provide

Notice to be given for persons aggrieved to make it known, &c.

May levy tax.

Limitation of tax.

Poll tax.

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to require and compel the abatement and removal of nuisances, within the limits of said city, under such regulations as shall be prescribed by ordinances. *Seventh:* The said Mayor and Councilmen shall have the power and authority to assess, levy, and collect taxes on such real and personal estate as they may designate; but such taxation shall be uniform on every description of property assessed; they shall, also, have power and authority to cause all stores, within the city, to be rated—first, second, and third rate—levy and collect a tax on each, not exceeding forty dollars per annum; and where stores are taxed, according to their rate, the goods therein shall not be valued and included in the assessment of property for taxation; they shall, also, have a right to tax, and the exclusive right to license all taverns, coffee houses, grocers, victuallers, confectioners, retailers, and houses of public resort, except gambling houses, or houses of ill-fame, within said town, but tavern keepers shall also be liable to pay the revenue tax of ten dollars; they shall, also, have the right to license and tax all exchange or broker's offices, within said city, in any sum not exceeding forty dollars; they shall, also, have the right to license and regulate all carts, wagons, drays, and hackney coaches, and porters which may be plying in said city for hire; they shall, also, have power, whenever in their opinion the interest of said city shall require it, to levy and collect taxes on dogs, and other domestic animals, in any sum not exceeding ten dollars on each dog or other animal; which said taxes shall be collected by the City Collector, and paid into the city Treasury, in the manner, with the powers and restrictions, and under the regulations, and in all things as hereinafter provided for; and in the sale of real or personal property therefor he shall act according to the provisions and requisitions hereinafter mentioned. They shall, also, have power and authority to pass by-laws and ordinances, with adequate penalties, for the enforcement of the powers vested by this section. *Eighth:* The said Board of Mayor and Councilmen shall appoint one Assessor annually, and two assistants, if deemed necessary; who shall take in a list of all the taxable inhabitants within said city, and affix against each the amount of his, her or their real estate within said city, with a proper description by number of, or situation; and also the true and just value of such real and personal estate of each of said inhabitants, whether in goods, stocks, manufactories, or other property, that may be designated for taxation by the said Mayor and Councilmen; which list shall be made on oath of the party; or if the party refuse to give in a list, and swear to the same, the amount shall be assessed from the best information such assessor possesses; and in each of the several wards of said city, the said lists shall be extended, to include all free males over twenty one years of age, and all slaves, with the value of each;

Assessor to be
appointed, his
duties defined,
&c.

Articles of tax-
able property
enumerated, &c.

taverns, grocers, victuallers, retailers, and confectioners, and houses of public resort, except gaming houses, and houses of ill-fame; hacks, drays, carts, wagons, and porters, plying in said city for hire; and when said lists shall be completed, and returned to the Board of Mayor and Councilmen, they shall give a reasonable notice thereof, that any inhabitant of said city may examine the same; and if any one should feel aggrieved thereby, in an excess of valuation, application may be made to the Mayor and Councilmen, and on proof being made to their satisfaction, the valuation may be changed: *Provided*, the application is made within the time which may be prescribed by them; after which time no abatement or change shall be made. The Mayor and Councilmen shall proceed to lay and levy the taxes for the current year, from estimates previously submitted to the Board by the Mayor: *Provided*, the same shall not exceed forty cents on each hundred dollars for such valuations, and for the general expenses of said city government, such as the police salaries, the support of the poor, and all charges for the well governing and ordering of said city throughout; the estimate shall be presented by the Mayor. A tax shall be levied on each free male inhabitant of twenty one years of age, and upwards, except paupers, inhabiting said city, at a ratio not exceeding one dollar and fifty cents each; and when the said tax is made out and fixed, as herein provided, bills shall be placed in the hands of a collector, or collectors, to be appointed by the Mayor and Councilmen, with their warrant to collect the same; bond, with good security, in an adequate penalty, shall be taken from said collector, payable to the city of Augusta, and he or they shall be removable at the pleasure of the Mayor and Councilmen. The city collector, and his securities shall be liable to judgment, by motion in the Bracken Circuit Court, for failing to collect and pay over any sums put in his hands for collection, at the stipulated time, with ten per centum interest and costs; and five days' notice of such motion shall be sufficient; and there shall be no replevin or valuation of property on executions issuing on such judgments; a lien shall exist on the real estate and slaves of such Collector, and his securities, for the payment of all sums placed in his hands for collection. *Ninth*: No theatrical, or other show, or exhibition, or performance of any kind for money, shall be opened or held within the boundaries of said city, unless the same shall be licensed by the Mayor and Councilmen; and they shall have the right of taxing the same according to the magnitude thereof, and to pass by-laws and ordinances, regulating the same. *Tenth*: The Mayor and Councilmen shall have power and authority to establish one or more free schools in each ward of said city, and may receive donations of real and personal estate, to erect the necessary buildings, and to provide

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Notice to be given for persons aggrieved to make it known, &c.

May levy tax.

Limitation of tax.

Poll tax.

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the revenue for their maintenance, by a tax on the ward where such school or schools shall be established ; and further to regulate and superintend, by trustees, to be by them appointed, all schools in said city.

Persons failing to pay fines, may be imprisoned.

SEC. 11. *Be it further enacted*, That all persons failing to pay the fines, for violating the laws of the city, and failing to pay the fines inflicted therefor, shall be confined in the county jail of said county of Bracken, and there remain until such fine is discharged, at the rate of one dollar per day. And fines for disturbing religious worship, and for breaches of the peace, and for riots within said city, may be assessed by a jury, before the Mayor, to fifty dollars ; and all fines for a violation of the laws and ordinances of the city, shall be for its use. That the personal, real, and other estate within the present town of Augusta, held in trust for others, shall be and the same is hereby invested in the Mayor and Councilmen of said city, and their successors, subject to the like trusts under which it was held by the Trustees of Augusta ; and in suing the city, the writ shall run against the Mayor and Councilmen of the city of Augusta ; and service on the Mayor, or Clerk, or Secretary, shall be sufficient service of such process ; and all deeds of conveyance to be made by said Mayor and Councilmen shall be executed by a majority of the Board.

Ordinances & by-laws to be recorded in journal, and advertised.

SEC. 12. *Be it further enacted*, That the Mayor and Councilmen shall cause all the by-laws and ordinances, passed by them, to be fairly recorded in the journal of their proceedings, or advertise the same at some public place in each ward ; and annually to make out and publish a report of their proceedings, with an account of all moneys received and paid out by their order, during the year that they have been in office.

Vacancies—how filled.

SEC. 13. *Be it further enacted*, That in the event of the death, resignation, or refusal to act, of the Mayor, the Councilmen shall proceed to elect one of their own number to supply his place ; and the person so elected, shall be the Mayor of said city, until a new election is had, and the Mayor elected, sworn into office. And the Mayor and Councilmen shall immediately proceed to order another election to supply such vacancy for the residue of the term, as in the original election of said Mayor ; and in the like event of one or more Councilmen, the Board shall direct a new election to fill the vacancy.

May appoint all subordinate officers.

SEC. 14. *Be it further enacted*, That the Mayor and Councilmen shall appoint all necessary subordinate officers, to carry the foregoing provisions of this act into full effect ; such as a city Treasurer, Police officers, and any other that may be required ; and to qualify them for the faithful discharge of their several duties, and require bond and securities of them for the same.

SEC. 15. *Be it further enacted*, That the Mayor and Coun-

cilmen shall have the power and authority to pass all needful by-laws, with adequate penalties for the infraction of the same, not exceeding fifty dollars, which penalties may be sued for, in the name of the city, and recovered before the Mayor.

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May pass by laws, &c.

SEC. 16. *Be it further enacted*, That all the rights, privileges, and property, real and personal, and choses in action which are now vested in, and belonging to, the said Trustees of the city of Augusta, shall, so soon as said Board of Mayor and Councilmen may be organized, be vested in, and belonging to them for the benefit of said city of Augusta, and subject to the payment of all just demands which may exist against said Trustees, and for which they are responsible.

Public property to be vested in Mayor and council.

SEC. 17. *Be it further enacted*, That there shall be, in said city, an officer to be styled the city Marshal, who shall be chosen by the said Board of Mayor and Councilmen, and be sworn to the faithful discharge of the duties of his office, which he shall hold for one year, and until another shall succeed him; removable however at the pleasure of the Board. He shall, if required by the Mayor and Councilmen, have a resident deputy in each ward of said city; his deputy shall be appointed with the advice and consent of the Mayor and Councilmen. He shall, by himself or deputy, attend all the sessions of the Mayor and Councilmen, and of the Mayor, and preserve order, under their or his directions; he shall, by himself or deputy, execute all process emanating from the Mayor; he may be appointed city Collector, shall also collect the fees of the Mayor, and Clerk, if required; he shall execute bond with sufficient security, in an adequate penalty, before the Mayor and Councilmen, to the Commonwealth of Kentucky, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money, that may come to his hands, to the persons entitled thereto; and a lien shall exist on the land and slaves of said Marshal, and sureties, from the time of executing bond, for all sums of money that shall come to his hands. He shall be entitled to receive the same fees for the like services, which Sheriffs are entitled to receive, and shall have the same power and duty within the city. He and his sureties shall be liable to judgment, by motion in the Bracken Circuit Court, in favor of any person entitled to money collected by said Marshal, in like manner as Sheriffs are liable.

City Marshal, how chosen, his duties.

Deputy Marshal to be appointed.

SEC. 18. *Be it further enacted*, That all recognizances taken by the Mayor of Augusta, when a day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for appearance in the Bracken Circuit Court; and all recognizances, except those above excepted, shall be returned to the Clerk of the said Court, under the hand of the Mayor, and shall be docketed

Recognizances, where to be returned, &c.

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as recognizances taken and returned by Magistrates. The Mayor, on the examination of criminal offenders, shall make out a statement of the evidence, and shall recognize the witnesses, and shall return the statement of the evidence and the recognizance to the Clerk of the Bracken Circuit Court.

Mayor to keep
a record, &c.

SEC. 19. *Be it further enacted*, That the Mayor shall keep a record of his proceedings, and shall issue original process for bringing parties before him, and executions and precepts on his judgment. He shall be entitled to charge and receive the like fees that Clerks of the several County and Circuit Courts of this Commonwealth are entitled to receive for the like services, and have the right to issue fee bills and to collect them in like manner.

Mayor, how
elected.

The Mayor to
be commission-
ed by Governor,
&c.

SEC. 20. *Be it further enacted*, That in all elections for Mayor, not less than two persons shall be voted for as such; and the two persons having the highest number of votes shall, at the first election, be certified by the Sheriff to the Governor of this Commonwealth, and at the subsequent elections, by the Clerk of the city Council, under the direction of the Mayor and Councilmen, stating in the certificate the number of votes given to each, one of whom shall be commissioned by the Governor, as the Mayor of the city of Augusta, and submitted for the advice and consent of the Senate, as in other cases; and if, for any sufficient cause, the Governor shall refuse to commission a Mayor, if the Senate shall refuse to advise and consent to the person nominated as Mayor, the same shall be certified by the Secretary of State, to the city Council of Augusta; who shall, in not less than ten days nor more than thirty days, cause another to be held for Mayor, to be conducted as other elections are directed to be by this act; and the two persons having the highest number of votes, shall again be certified to the Governor, who shall commission one of them as aforesaid.

Assessor's du-
ties, &c.

SEC. 21. *Be it further enacted*, That the Assessor of tax, when taking a list of the persons and property of said city, liable to be taxed, shall, in said list, enter the name of each inhabitant of said city, liable to be taxed, and of all others not inhabitants, who may own property therein, subject to taxation in the manner provided for in the tenth section of this act; but if the owner or owners of any of the real estate in said city shall not be known to said Assessor, and he shall not be able to ascertain the name of the true owner or owners thereof, it shall be his duty to describe such real estate, by stating the number of each lot, its situation, or proper description—which list or books of assessment, shall be returned by the Assessor to the board of Mayor and Councilmen, and shall be filed and safely kept by the Clerk as other records are kept; a true copy of which shall be made out by the Clerk, and given to the Collector with-

Collector, his
duties, &c.

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in ten days after the same shall have been returned by the Assessor. And the said Collector shall immediately, thereupon, proceed to advertise that the taxes assessed by the Mayor and Councilmen of said city for the current year are due, and that payment thereof is required; which said advertisement shall be inserted in some public newspaper printed in said city, if any, and at one or more public places in each ward. And if the taxes so assessed shall not be paid within two months from the time that such advertisement shall have been made, it shall be the duty of said Collector to return to the Mayor of said city, a list of all the property upon which the tax shall have been paid, together with the name or names of the owners thereof, if known, which said list shall be sworn to by said Collector, and recorded in the same manner that the book of assessment is required to be recorded. Whereupon, it shall be the duty of the Mayor to issue his precept to the Collector, commanding and requiring him to expose to sale said delinquent property, or so much thereof as may be sufficient to pay and satisfy the taxes and costs that shall be due thereon; and the same shall be described in the same manner, as in the Assessor's book, and in the delinquent list. In pursuance of which precept, the said Collector, after having advertised for sale the property therein mentioned, at the court house door of Bracken county, and at three public places in said city, for at least fifteen days, shall, thereupon, proceed to sell upon the premises the same, or so much thereof as may be necessary to pay the tax and costs which shall be due thereon, to the highest bidder, to whom said Collector shall give a certificate of said purchase, upon his paying the amount bid therefor; which said certificate shall entitle the purchaser, his heirs, or assigns, to demand from, and receive of said Collector, if living in the said city, if not, then from his successor or successors, a deed of conveyance of said property thus sold, at any time after twelve months from the time of such sale; unless the owner or owners thereof shall have redeemed the same, by paying or tendering to the Collector of said city for the time being, the amount of said purchase money and costs, with fifty per cent thereon, within twelve months from the time of such sale; and said Collector shall be entitled to charge forty cents for advertising each lot or piece of property for sale; twenty five cents for such certificate of purchase which he may issue; one dollar for each deed which he may be required to make under this section; and the same commission upon all sums collected by sale as Sheriffs are entitled to, for collection upon execution; and he shall not be entitled to any other or further fees for said services. And the Mayor shall be entitled to a fee of twenty five cents, for each precept of sale, he may issue under the provisions of

Non-residents' taxes to be advertised.

Mayor to order sale of delinquent's property.

Property to be advertised by collector, and sell, &c.

Deed of conveyance to be made by collector.

Property, how & when it may be redeemed.

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this section: *Provided, however*, that nothing in this act shall be so construed as to prevent infants and *femes covert* from redeeming any property which may have been sold for the non-payment of tax, belonging to such infants or *femes covert*, within twelve months after their several disabilities shall have ceased.

Power to alter
or repeal act,
reserved.

SEC. 22. *Be it further enacted*, That nothing contained herein shall be so construed as to prevent the Legislature of this Commonwealth from changing, altering, amending, or repealing the whole or any part of this act.

Approved February 28, 1850.

CHAPTER 195.

AN ACT for the benefit of the heirs and devisees of John W. Duncan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for William R. Duncan and Elizabeth Bowren to file, on oath, their bill in the Clarke Circuit Court, stating that John W. Duncan died, having first made and duly published his last will, and leaving the following named children, to-wit, said William R. Duncan, Elizabeth Bowren, Thomas Duncan, and Sally Duncan, who constitute the whole of his heirs; and that he also left Margaret Duncan his widow, and that she is the mother of his said children; and that by inquisition in said Court, said Thomas Duncan has been found to be a lunatic, and that he is still a lunatic; and that under the appointment of said Court, the said William R. Duncan is his committee; that said Sally Duncan is an idiot, and by virtue of said will, Daniel Smith is the trustee of her estate, and said Margaret Duncan committee of her person; that by virtue of said will, the said Thomas Duncan and Sally Duncan are severally seized and possessed of estate, consisting of land, negroes, and personalty, more than adequate to their support; and that at the death of said Thomas and Sally, their estates will pass to the said William R. Duncan and Elizabeth Bowren, by virtue of said will and the law of descents; and that the said Thomas Duncan owns, as aforesaid, the following negroes, to-wit, Jacob, aged twenty three years, subject to attacks of rheumatism, and Amanda, aged about eleven years, and an undivided fourth of Mary Ann and her five children, subject to a life estate in them held by said Margaret Duncan, under said will; and that she is willing to surrender to her children her life estate in said negro woman and five children, and that Sally Duncan owns, as aforesaid, the following negroes, to-wit, Eliza Jane, aged about twenty years, and her sucking child; Betty, aged about sixteen years, and Somina, aged about eleven years, and a like undivided fourth of said Mary Ann and five children; and

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that in the opinion of said William R. Duncan and Elizabeth Bowren a sale of the interests of said Thomas Duncan and Sally Duncan, in said negroes, would redound to the permanent advantage and welfare of the aforesaid children of John W. Duncan; and to said bill said Margaret Duncan, Thomas Duncan, Sally Duncan, and Daniel Smith, shall be made defendants, and their answers to said bill said Court shall cause to be filed, and upon mature consideration of the allegations of said bill and answers, and proofs adduced by the parties, by depositions, or *ore tenus*, the said Court may decree a sale of the said negroes, so severally owned by said Thomas and Sally, and of their undivided interest in said negro woman Mary Ann and her five children, upon such credit as said Court may consider proper, but said sale shall not be decreed by said Court in contravention of the provisions of said will, nor unless said Margaret Duncan and Daniel Smith shall, by their answers, state, as their opinion, that such sale would be advantageous to said Thomas and Sally; nor unless said Court shall be of opinion that such sale would conduce to the permanent advantage and welfare of the said Thomas and Sally, and that the land owned by them under said will is adequate to their support; nor unless said Margaret Duncan, by her answer to said bill, surrender her life estate in Mary Ann and her five children, to said heirs; nor unless the sale of the interests of said Thomas and Sally be made conjointly with the sale of the undivided interests of said William R. Duncan and Elizabeth Bowren in said woman and children.

SEC. 2. That it shall be the duty of said Court to preserve, for the use of said Thomas and Sally, during their respective lives, the portions of the fund arising from the sale of said negroes which may belong to them, and cause said money to make interest for their use; and said Court shall have and hereby is invested with power to decree, at the death of said Margaret Duncan, the sale of the other slaves held by her under said will, during her life, with remainder to the children aforesaid, of said John W. Duncan, such decree to be based upon and pursuant to the decree authorized by the first section of this act.

Approved February 28, 1850.

CHAPTER 196.

AN ACT allowing a Marshal to the town of Richmond.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Richmond shall have power to appoint a town Marshal, who shall hold his office at their discretion; whose duty it shall be to observe and report to the Police Judge of said

Marshal to be appointed, his duties, powers, &c.

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town all violations of the town ordinances ; to execute all process to him directed from said Police Judge, and make due return thereof ; he shall collect all taxes due said town, executions and other demands which may be put into his hands for collection, and account for and pay over the same to those entitled thereto, under the same rules and regulations required of Sheriffs in the collection of taxes, and of Constables in the collection of executions and other demands ; and for a failure of any of the demands or duties required of him, he shall be subject to the same proceedings and penalties which may be had against Sheriffs and Constables in similar cases ; and shall have the same power and be entitled to the same fees for collecting the town tax that Sheriffs have for collecting the county levy and revenue tax ; and in all other cases, the same fees allowed Constables for similar cases.

Sec. 2. That the Trustees of said town shall require the Marshal to execute bond with security in an adequate penalty before he enters on the discharge of his duties.

Approved February 28, 1850.

CHAPTER 197.

AN ACT to incorporate the Ghent Amicitiae Society.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William B. Eblin, James B. Tandy, Samuel Sanders, Jr., John W. Luster, and Robert Knox, be and they are hereby created a body politic, by the name and style of the Ghent Amicitiae Society, with perpetual succession, for the purpose of erecting a suitable building, in the town of Ghent, Carroll county, Kentucky, for the meetings of the members of Carroll Lodge, No. 45, of the Independent Order of Odd Fellows, and for such other purposes as said body corporate may, from time to time, determine.

SEC. 2. That the capital stock of said Company shall not exceed six thousand dollars to be divided into shares of twenty five dollars each.

SEC. 3. That every stockholder shall be entitled to a vote on each share of stock subscribed and paid for by him.

SEC. 4. That the written or printed certificate of the President of the Board of Trustees, hereafter to be appointed by said Company, shall be evidence of ownership of stock in said Company, and the same shall be transferable on the books of the Company, or by assignment, with notice thereof, to the said Trustees.

SEC. 5. That the management of the concerns of said corporation shall be and is hereby confided to five Trustees, whom the stockholders of said Company shall elect annually, in the month of March, and who, or a majority of

whom, shall have full power to make all contracts appertaining to the erection of a proper building for said Company—such as buying a lot or lots, contracting for the material building for the house, renting the same, &c., when done, and all incidental powers to finish and complete said building as it shall and may best suit the purposes of the Company.

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SEC. 6. That said body corporate shall have full power to make by-laws, necessary for carrying out the foregoing purposes: *Provided*, a majority of all the stockholders of said Company shall vote for such by-laws at any regular meeting of said stockholders.

SEC. 7. The object of the corporation being for the purposes of erecting, by joint stock, a building suitable for them and their successors as society rooms, and that each and every stockholder shall hold an interest in any such building that may be so erected, in proportion to the amount of his stock.

SEC. 8. Said corporation shall be capable of suing and being sued, and of holding the legal title of any lot or lots that may be necessary for the purposes aforesaid.

SEC. 9. That said Trustees shall have full power and authority to sell and convey the lot or lots, and property of said Company, whenever a majority of two thirds of said stockholders shall so determine in regular meeting.

- Approved February 28, 1850.

CHAPTER 198.

AN ACT to change the name of the town of McKinneysville, in Wayne county, to Robertsport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the town, in Wayne county, called and known by the name of McKinneysville, be and the same is hereby changed from McKinneysville to that of Robertsport.

Approved February 28, 1850.

CHAPTER 200.

AN ACT to amend and reduce into one the several acts concerning the town of Owensboro'.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Owensboro' in the county of Daviess, as laid off in the original plat of said town, and in the two additions thereto, one called the upper or Triplett addition, and the other the lower or Thompson addition, and the whole bounded as follows, viz: beginning at low water mark on the Ohio river, oppo-

Boundaries of town, and additions thereto.

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site the upper corner of the Triplett addition ; thence along the east line of said addition to the south east corner of the five acre lots, thence along the south line of the five acre lots, as laid down in said addition, to the east line of the original town, thence along the east line of the same to the south east corner of said town boundary, thence along the south boundary line of the same to the south west corner of said town, thence along the west boundary of the same to Scarborough's line, thence with Scarborough's line and the west boundary line of the Thompson addition, as laid down in the plot of said addition, and down to low water mark on the Ohio river, thence up the river with the low water mark to the beginning, is hereby declared the town of Owensboro'; and the inhabitants thereof, by and in the name of the Board of Trustees of the town of Owensboro', shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and do and perform all such other acts and things, either in law and equity, as bodies politic and corporate having perpetual succession may rightfully do and perform.

Corporation—
name & style.

Trustees, when
and how to be
elected, powers,
&c.

Judges of elec-
tions.

Trustees' term
of office.

To take oath
of office.

SEC. 2. *Be it further enacted*, That the prudential and fiscal affairs of said town of Owensboro' shall be vested in seven Trustees, who shall be elected on the second Monday in May, 1850, and after the year 1850 the election for Trustees shall be held on the first Monday in Aril, in each and every year, at the Court House or such place as the Board of Trustees may direct, by the free white male inhabitants of said town, over the age of twenty one years, who shall have been *bona fide* in said town three months next preceding the day of election : *Provided*, that the first election to be held on the second Monday in May, 1850, shall be held by the Police Judge hereinafter provided for, or by some Justice of the Peace, together with the Clerk of the County Court of Daviess, or his deputy ; and all other elections, after the year 1850, shall be held by such persons as shall be selected by the Board of Trustees to hold the same.

SEC. 3. That said Trustees when elected and qualified shall hold their offices for one year, and until their successors are duly qualified, except those elected in 1850 ; and they shall hold their offices only until their successors are duly elected and qualified. Said Trustees, before they enter on the discharge of the duties of their office, shall take an oath before the Police Judge or some Justice of the Peace, that they will, to the best of their ability, without partiality, affection or prejudice to any person, faithfully perform the duties of Trustees of said town during their continuance in office.

SEC. 4. That the Trustees, after being duly qualified, shall proceed to elect one of their number Chairman, who shall preside at their meetings, and shall have power to con-

vene the Board when in his opinion the interest of the town demands it. He shall convene the Board whenever any two of the Trustees shall call on him so to do. It shall be the duty of the Chairman to see that all the by-laws and ordinances of said town are put in force.

1850.

May call meeting of Trustees.

Sec. 5. That the Trustees shall have power over all the streets, wharves, alleys and side walks of said town; they shall have power to open or cause to be opened all streets or alleys which have been closed up with or without the consent of former Boards of Trustees; they shall direct the grading and paving or McAdamizing and bridging of such streets or parts of streets and alleys; and the grading, paving and curbing of such side walks, or other improvements of the same as they may deem most beneficial to said town; the grading, paving and improving the streets and alleys shall be done at the common charge of the town; the grading paving and curbing of the side walks shall be done at the expense of the person or persons owning the property in front of which the grading paving and curbing may be done. The Trustees shall have a lien on the property along the front of which said side walks may be constructed, to the amount of the cost of said work, or on so much of said lot or lots or parts of lots as shall be sufficient to pay and discharge the cost of such work; and in the event of any person or persons failing or refusing to pay the debt thus created, the said Board of Trustees may cause the same to be advertised in some newspaper in said town, for the space of one month, or by causing the Marshal of said town to give one month's notice by posting up at least four written notices of the day of sale, one notice at each of the four most public places in said town, and if said owner of said lot, lots or parts of lots fail to pay the amount due, with five per cent. thereon, then the Marshal shall sell so much of said lots as shall be necessary to pay and discharge said debt or debts and the cost of sale; and the Board shall convey the lot or lots or parts of lots thus sold to the purchaser by deed, which deed shall pass the title to the purchaser: *Provided*, that residents shall be allowed to redeem said lots so sold, within one year, by discharging the debt with 10 per cent. on the amount; and non-residents shall be allowed two years to redeem lots so sold, by paying the debt with 20 per cent. on the amount: *Provided further*, that all sales of lots for grading, paving and curbing shall be sold on the pavement in front of the property to be sold.

Trustees may open streets, alleys, &c.

Grading and paving streets.

May advertise and sell property for non-payment of expense of paving, &c.

Sec. 6. That said Trustees shall have power to levy and collect an *ad valorem* tax on the real and personal estate in said town, not exceeding thirty cents on each one hundred dollars worth of property in any one year, and a poll tax on each white male person over the age of twenty one years, and on each free negro over the age of sixteen

Trustees may levy tax, &c.

1850.

years, not exceeding one dollar and fifty cents, and on each slave over sixteen years of age, not exceeding one dollar: *Provided*, that all slaves hired in said town shall be subject to the same tax as though they were owned in said town.

May tax auc-
tion sales, tav-
ern keepers, &c.

May suppress
tippling houses

May provide
against fire.

May fill va-
cancies, remove
officers, &c.

Assessor, and
Marshal, and
Treasurer, to be
appointed, shall
give bond, &c.

Suits may be
brought before
Police Judge,
&c.

Assessor's du-
ties.

SEC. 7. That said Trustees shall have power to tax auction sales, shows and exhibitions for money or profit, such sums as they, by their by-laws, may declare; they shall have power to tax all tavern keepers, who sell spirituous liquors at retail, any sum not less than ten nor more than fifty dollars; they shall have power to tax drays, carts and wagons, used for hauling, for hire in said town, such sum as they may deem equitable and right; they may tax itinerant merchants; they shall have full power to suppress all tippling houses, and to fine all persons who may violate their by-laws or ordinances, in any sum not exceeding thirty dollars. They shall have power to declare what are nuisances, and remove the same; they shall have power to remove all disorderly itinerant free persons of color from the limits of the town; they shall provide for the good order of the town; they may provide for the security of the town against fire; they shall have power to impose a fine of one dollar on any member of the Board who fails to attend a meeting of the Board; they shall fill all vacancies which may occur in their body or in the offices appointed by them; they may also fine or remove any officer appointed by them for failing or refusing to perform any of the duties required of him under the by-laws. They shall have the power to pass all by-laws and ordinances necessary for carrying into effect all the powers herein granted, and for executing all the provisions of this act.

SEC. 8. That it shall be the duty of the Trustees, at the first meeting of the Board in every year, to appoint an Assessor, Clerk, Treasurer, and Marshal, and such other officers as they may deem necessary; and shall take from such officers, respectively, bond with approved security, in such penalty as said Trustees may deem sufficient, payable to the Board of Trustees of the town of Owensboro,' and their successors in office, and conditioned for the faithful discharge of the duties of their office, and the paying over all moneys which may come to their hands to the proper persons entitled to the same; and for a violation on the part of either of such officers, suits may be brought and motions made against them and their securities, before the Police Judge of the town of Owensboro,' or before any tribunal having jurisdiction in such cases, in the same manner and under the same regulations that suits are brought and motions made against Constables and Sheriffs for failure of duty.

SEC. 9. That the Assessor shall make a correct return of all the real and personal estate, free white males over the

age of twenty one years, free negroes over the age of sixteen years, and slaves over the age of sixteen years, and of all such articles and things to be taxed in said town, to the Clerk of the Board of Trustees, within one month after the appointment of said Assessor.

1850.

SEC. 10. The Clerk shall keep a record of the proceedings of the Board of Trustees, and all by-laws and ordinances, in a well bound book, and shall publish all by-laws and ordinances of the Board of Trustees, within one week after the same are made, in some newspaper printed in said town, or by posting up in four of the most public places copies of said by-laws and ordinances; he shall, within twenty days after receiving the returns of the Assessor, place a copy of the same in the hands of the Marshal or Collector of the tax; he shall perform such other duties as may be required of him by the Board of Trustees, appertaining to his office.

Clerk's duties.

SEC. 11. That it shall be the duty of the Marshal or Collector to collect all taxes and fines placed in his hands, and pay the same over as collected to the Treasurer, at the end of each month, or sooner if required. It shall be the duty of the Marshal to collect all taxes and other demands placed in his hands; he shall account for and pay over the same to the Treasurer of the Board of Trustees or to such other person as may be entitled to receive the same. The Marshal shall, at the end of the year, and oftener if required, make out a statement and submit the same, on oath, to the Board of Trustees, showing the amount collected, of whom collected, and for what collected, and all amounts collected by the Marshal or his Deputy Collector, for or on account of the Trustees of said town, shall be paid into the Treasury, and a receipt taken therefor, retaining such per cent. for collecting as the Board of Trustees may allow. The Marshal shall execute all process which may be requisite for the enforcement of the by-laws and ordinances of said town; he shall levy and distrain for taxes, in the same manner as Sheriffs are now authorized to do; he shall serve all process to him directed by the Police Judge of said town, and of any Justice of the Peace of Daviess county residing within the limits of said town, and make due return thereof. Said Marshal shall be invested with all the powers and authority given to Constables, in all cases cognizable before the Police Judge or Justices of the Peace residing within the limits of said town, and shall be allowed the same fees as are allowed to Constables, and may perform the same duties that Constables are permitted to perform. He shall arrest all riotous persons and take them before the Police Judge or some Justice of the Peace. The Board of Trustees of said town shall have power to regulate, by by-laws, the further duties of the Marshal, and such other officers as they may find necessary to appoint.

Marshal's duties.

Marshal's fees.

1850.

Police Judge to
be appointed by
Governor. his
duties, &c.

His powers &
jurisdiction.

Fees of Police
Judge.

SEC. 12. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer to be styled the Police Judge of Owensboro'; who shall be commissioned as such during good behavior; who, before he enters upon the discharge of the duties of his office, shall take an oath before some Justice of the Peace to discharge the duties of his said office faithfully and impartially, without partiality, favor or prejudice, together with such other oaths as Judicial officers are required to take. The said Police Judge shall have jurisdiction, within the limits of said town, of all civil causes to the same extent that Justices of the Peace now have in this Commonwealth, and shall have the same jurisdiction of crimes and misdemeanors, committed within the county of Daviess, that Justices of the Peace now have; and in criminal and penal cases, he shall have the same jurisdiction now given by law to two Justices of the Peace within said county; and shall have full jurisdiction within said town of Owensboro', of all offences against the by-laws and ordinances of said town; he shall have power to enter judgments, and issue executions, for all fines and penalties for such offences; and his execution may be served by the Marshal of said town, or his deputy, in any part of said county of Daviess, or by other proper officers in any county of the Commonwealth. He shall have power to grant attachments and injunctions, writs of *ne exeat*, and *habeas corpus*, to the same extent that Justices of the Peace selected by the County Courts now have. He shall keep a record of his proceedings, copies of which shall be evidence to the same extent that copies of the records of Justices of the Peace now are. He shall have power to issue original process in all cases before him, subpoenas for witnesses, and attachments to compel the attendance of witnesses before him, and to punish all contempts against his authority, by fines not exceeding ten dollars in each case, and by imprisonment not exceeding twelve hours. He shall have power to administer oaths and certify the same, in all cases where an oath is provided for by law; he may take and certify depositions, which shall be allowed to be read as depositions are now allowed to be read, taken before and certified by a Justice of the Peace. He shall be entitled to the following fees, viz: For granting an injunction, writ of *ne exeat*, or *habeas corpus*, seventy five cents; for a peace warrant, one dollar; for a warrant for a violation of any by-law or ordinance of said town, fifty cents; for swearing a jury and presiding over a trial, seventy five cents; for subpoenas, each, fifteen cents; for original judgment, in civil cases, twenty five cents; all other fees shall be the same as now allowed by law to Justices of the Peace for like acts. He shall have power to issue his fee bills and they shall be collected in the same manner as Justices

of the Peace may now collect their fees. He shall have jurisdiction of all motions and suits against all the officers herein permitted to be appointed by the Trustees: *Provided*, that appeals from all judgments rendered by said Police Judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals, as appeals are now allowed from judgments of Justices of the Peace: *And, provided further*, that all process issued by said Police Judge shall run in the name of the Commonwealth.

1850.

SEC. 13. That the said Board of Trustees shall allow to the officers appointed by them such compensation as said Trustees may deem equitable and just. They shall cause to be published, at the end of their term, a full and fair exhibit of all the receipts and disbursements during the year; and no money shall be drawn from the Treasury, except upon orders signed by the President or a majority of the Trustees.

Officers to be
allowed com-
pensation, &c.

SEC. 14. That if any owner, or any person having the legal control of any slave, shall suffer or permit said slave to hire his or her own time, or go at large and act for himself or herself in said town, the Police Judge or any Justice of the Peace shall, upon the application of the Trustees or any citizen of the town, issue his warrant against the owner or person having control of said slave, to show cause why judgment shall not be rendered against him or her for such offence; which warrant may be executed by the Marshal, his deputy, or by any Constable; and upon return of the same, and proof of the fact that said owner of said slave, or person having legal control of said slave, knowingly permitted said slave to hire his or her own time, or go at large, the said Police Judge, or Justice of the Peace, shall thereupon enter judgment that said slave be hired out to the highest bidder for his or her time for the sum of ten dollars; whereupon the Marshal, his deputy, or Constable, shall hire out said slave, at public outcry, to the person who will pay the sum of ten dollars and costs for the shortest time of service of said slave; and the said Marshal, his deputy, or Constable, shall take bond, with approved security, for the hire, and also bond, and approved security, from the hirer, in such penalty as the Board of Trustees may establish, conditioned that such slave so hired shall not be removed out of the county of Daviess: *Provided*, that upon the owner, or person having the legal control of said slave, paying to the person hiring said slave the amount for which said slave was hired, the said hirer shall deliver up the possession of said slave to the owner, or to the person having legal control of said slave.

Owner of
slave hiring his
time, how pro-
ceeded against.

SEC. 15. That the Trustees now in office, and all officers appointed by them, shall continue in office, and exercise the duties of the same, until the election and qualifi-

Term of office
of Trustees and
other officers.

1850.

cation of the first Board of Trustees herein provided for; and upon the election of the qualification of said Trustees, as herein provided, all the books, papers, records, funds, and other property, shall be delivered up to the new Board of Trustees.

Repealing
clause.

SEC. 16. That all acts, and parts of acts, concerning the town of Owensboro', and coming in conflict with this act, be and the same are hereby repealed: *Provided*, that no person shall hereafter be elected to hold or exercise the office of Trustee in said town, unless he have legal or equitable title to some real estate within the limits of said town of Owensboro'.

Approved February 28, 1850.

CHAPTER 202.

AN ACT for the benefit of the Clerk of the Harrison Circuit and County Courts, and for other purposes.

Clerk of Har-
rison Circuit
Court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas B. Woodyard, Clerk of the Harrison Circuit and County Courts, be authorized, within two years from the passage of this act, to issue and collect, or have collected, by distress, any fees due him for services rendered as Clerk of either of said Courts since his appointment as Clerk of said Courts: *Provided*, that should said Woodyard issue, collect, or attempt to collect, any fee bill which has been heretofore paid or settled, then he shall be subject to the party aggrieved in the same manner as though this act had never passed.

Clerk of Trigg
Circuit Court.

SEC. 2. That the further time of two years be allowed to the Clerk of the Trigg Circuit and County Courts to re-list and collect his fees.

Sheriff of Crit-
tenden.

SEC. 3. That the Sheriff of Crittenden county be allowed until the fifteenth day of May next, to return to the Auditor of Public Accounts his delinquent list or lists for the year eighteen hundred and forty nine, and the said Auditor is hereby directed to draw his warrant on the Public Treasurer for the amount of said Sheriff's list or lists that may be certified by the Crittenden County Court.

Sheriff of
Owsley.

SEC. 4. That the further time of two years, from the passage of this act, be allowed to William Abney, late Sheriff of Owsley county, to distrain for and collect all arrearages of revenue tax and county levy due and remaining uncollected, by said Sheriff, for the year 1846, 1847, and 1848.

Clerk of Ohio
Circuit Court.

SEC. 5. That Charles Henderson, Clerk of the Ohio Circuit and County Courts, be allowed the further time of two years to list and collect all fee bills due him.

Approved February 28, 1850.

CHAPTER 203.

1850.

AN ACT for the benefit of James C. Caldwell, his wife and children.

Whereas, it is represented that Robert Caldwell, deceased, late of Madison county in this State, by his last will and testament, devised to Trustees, for the use and benefit of the wife and children of his son, James C. Caldwell, a certain tract of land in said county; that said James C. Caldwell, his wife and children, are anxious that said land, so devised to them in said will, should be sold and vested in real estate in Missouri; and that such a disposition of the property would not only be consistent with the intention of the testator, as expressed by him in his life time, but would evidently be for the advantage of those having an interest therein, and meet with the sanction and approbation of the Trustees in said will. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Madison Circuit Court, upon a bill filed for that purpose, in the names of the said James C. Caldwell, his wife and children, to which the Trustees in said will shall be parties, to decree a sale of said land, upon such credits as said Court may deem most to the interest of the beneficiaries under said will: *Provided*, that the Court shall not decree such a sale, unless it be of opinion, from the affidavits of disinterested persons filed in the case, that it will conduce to the advantage of the wife and children of said James C. Caldwell, and unless the Trustees consent thereto.

SEC. 2. said Court shall have power to convey the title to the purchaser; and it shall be the duty of the Court to appoint some competent person to invest the money, arising from the sale of said property, in good real estate in Missouri, under its direction and superintendence, having the title vested in a Trustee, or Trustees, to be selected by the Court, for the same uses and purposes, and under the same conditions and restrictions, that the property devised is now held under the will aforesaid: *Provided*, that in making selection of real estate in Missouri for this purpose, the wishes of the beneficiaries under the will shall be consulted and attended to, so far only, however, as it can be done without prejudice to the interests of the infant children.

Approved February 28, 1850.

CHAPTER 204.

AN ACT to incorporate Princeton Division, No. 103, Sons of Temperance.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the members of Princeton Division, No. 103, Sons of Temperance, in Princeton, Caldwell county, be and they are hereby created a body politic and corporate, by the name and style of Princeton Divi-

Division incorporated, its powers & privileges.

1850.

May receive
conveyances of
property, &c.

Trustees to be
appointed.

Trustees' pow-
ers, &c.

Names of Trust-
tees appointed
by this act.

Trustees to be
elected in Sept.
annually.

Legislature
may repeal or
modify charter.

sion, No. 103, Sons of Temperance, with perpetual succession; and by that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said Division; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they may now have or may hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall, at no time, exceed twenty thousand dollars.

SEC. 2. That the management of the concerns of said corporation shall be and is hereby confided to five Trustees, and their successors in office, who, or a majority of them, shall have full power and authority to make all contracts pertaining to the real or personal estate of said Division.

SEC. 3. That the Trustees of said corporation may have, make, and use a common seal, which they may change or alter at pleasure; and the members of said Division may make such by-laws, rules, and regulations, touching the management and control of the real and personal estate belonging to said Division, as they, from time to time, may choose: *Provided*, they be not inconsistent with the constitution and laws of the United States, or this State.

SEC. 4. That Richard Barnes, George J. Ingram, John P. Rascoe, Robert H. Lander, and James W. Weller, be and they are hereby appointed Trustees, as provided for in section second hereof, and shall hold their office until the last Tuesday in September, 1850, and until their successors are appointed; and it shall be the duty of the members of said Division, on the last Tuesday in September, 1850, and on the last Tuesday in September every year thereafter, to elect five members of their own body to act as Trustees for one year, or until their successors are duly elected; and the service of process or notice on any two of said Trustees shall be sufficient service and notice for all.

SEC. 5. The Legislature hereby retains the power to alter, change, modify or repeal this act at pleasure.

Approved February 28, 1850.

CHAPTER 205.

AN ACT directing a disposition of the estate of Eli Rogers, a man of color.

Whereas, it is represented that Eli Rogers, a free man of color, died intestate, without heirs capable in law to inherit his estate; that he had for a number of years recognized and lived with, as his wife, a negro woman, the servant of John L. Helm, who, under assurances from said

1850.

Eli that he would make ample provision for her support and maintenance out of his estate, permitted said Hetty to live with and labor for the said Eli for the term of some seven or eight years, taking with her such property as she was permitted to claim, and surrendered to him her earnings. That upon the death of said Eli, his said wife took care of, at her own expense, the personal estate of the said Eli, and surrendered the same to an administrator, who has disposed of the same, and that said Eli made no provision for his wife. Therefore, with a view that justice may be done,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for John L. Helm to file, in the Nelson Circuit Court, a petition setting forth the facts in this preamble, and making the administrator a party to the same; to sustain which, proof may be made in open Court, or by depositions taken, upon giving the administrator notice. It shall be the duty of the administrator to respond and set forth a schedule of the personal estate which came to his hands, and what landed estate said Eli died invested with the fee simple title to, together with a list of the debts which he has paid, and remain unpaid. Upon hearing the whole case, the Chancellor shall determine, in his judgment, what sum, out of said estate, should be set apart for said Hetty, (not to exceed one third of the estate, after paying the debts of said Eli, and the costs of administration,) and appoint a Trustee to receive the same. If the personal estate shall not be sufficient to pay the debts and cost of administration, and the sum adjudged, it shall be lawful for the Chancellor to direct a sale of the land, upon such terms as will insure a fair price, saving the rights of individuals, if any, who have a vested right in said land, and directing the residue, over the payment aforesaid, to be held subject to the direction of the Court under the laws now in force.

Approved February 28, 1850.

CHAPTER 206.

AN ACT to incorporate the Louisville Rolling Mill Company.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a corporation is hereby created, by the name and style of the Louisville Rolling Mill Company. Said corporation shall have all the rights, immunities, and powers that may be necessary or fit for the conducting of its business, which shall be the manufacture of iron and steel, or either, in all its branches, in the city of Louisville. The corporation may purchase and hold real estate, but not more than may be necessary for the conduct of its business.

Name & style
of corporation.

1850.	Sec. 2. The capital stock of the Company shall not exceed two hundred thousand dollars, in shares of one hundred dollars each. Subscriptions for stock shall be made by persons signing their names to a covenant to take the number of shares placed opposite to their names, and to pay to the Louisville Rolling Mill the amount thereof.
Capital stock.	
Commissioners' names.	Lewis Ruffner, Thomas C. Coleman, and William B. Belknap, may open a book with such a covenant for subscriptions, and when the sum of thirty thousand dollars is subscribed, they may call the subscribers together, who may organize the corporation by the election of a President and two Managers.
Stockholders to meet & elect officers.	
President and managers to hold their offices as fixed by by-laws, &c.	Sec. 3. The President and Managers shall hold their offices for such time as may be prescribed by the stockholders, and conduct and manage the affairs of the corporation in such manner as the stockholders shall, by their by-laws, direct: <i>Provided</i> , such by-laws be not inconsistent with the laws of this State or of the United States.
Annual meeting of stockholders to be called.	Sec. 4. There shall be annual meetings of the stockholders, and oftener if called by the President and Managers, or a majority of the stockholders; and at every such meeting, the officers of the corporation shall, if required, submit a full statement of the affairs, business, and accounts of the Company. A majority of stockholders may, from time to time, permit additional stock to be subscribed for, until the whole amount authorized by this act shall be taken. A stockholder may be represented by his proxy, authorized in writing. The stockholders may, from time to time, make such calls on the shareholders as they see fit; and if any stockholder shall fail to pay any call, his stock, or as much as is necessary, may be sold, after thirty days' notice in some one of the newspapers in Louisville, at public auction to the highest bidder; and if, at such sale, the stock does not bring enough to pay the deficit, then the defaulting stockholder shall be bound to make it good; but if the stock shall sell for a sum more than sufficient to pay to the Company the whole amount of the defaulter's stock, with the interest and costs, then such excess shall be paid to the stockholder.
Proxies allowed.	
Stock not paid for, may be sold and forfeited.	
Stock, how voted, ratio, &c.	Sec. 5. Each shareholder shall have as many votes as he has shares. Certificates of stock shall be issued as the by-laws may direct. The stock shall be personal estate, and transferred on the books of the Company in person or by attorney. The corporation shall have a lien on the stock of any stockholder for any debt he may owe to the Company.
Dividends of profits to be declared.	Sec. 6. Dividends of profits may be declared yearly or half yearly, but no dividend shall ever diminish the capital stock subscribed.
	Sec. 7. The President and Managers shall have the power to employ all such agents as may be necessary for the

management of the business, and the same to dismiss at pleasure.

1850.

SEC. 8. The corporation shall give notice in one of the newspapers in Louisville of the organization of the Company under this act.

SEC. 9. The corporation shall continue twenty years, subject to the right in the Legislature to change or repeal this charter.

Limit of charter.

Approved February 28, 1850.

CHAPTER 208.

AN ACT to incorporate the Trustees of the Theological Fund of the Synod of Kentucky.

Whereas, it is represented that the Synod of the Presbyterian Church in the State of Kentucky, associated with six other Synods of said Church in the valley of the Mississippi, has established and is supporting in New Albany, Indiana, a Theological Seminary, which is under the management of a Board of Directors appointed by all the Synods aforesaid, designed especially for the Theological education of young men of the Presbyterian denomination, but at which those of all christian denominations may receive instruction in Theology, none being required to pay tuition fees; that the Synod of Kentucky has agreed with said Board of Directors, to support for such time as it may choose, and has been allowed by said Board, in consideration of such support, to nominate one Professor in said Seminary, and the Synod of Kentucky having good prospect of obtaining from benevolent persons a sum of money whose annual interest will be sufficient to compensate said Professor and meet other expenses connected with the Institution, and desiring to be invested with power to receive, hold, and manage the same without difficulty. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That W. L. Breckinridge, Ed. P. Humphrey, Leroy J. Halsey, Samuel Casseday, and William Richardson, and their successors in office, are constituted a body corporate, to have continuance forever, by the name and style of the "Trustees of the Theological Fund of the Synod of Kentucky," and by that name may contract, sue and be sued in law and in equity.

Trustees, name and style.

SEC. 2. The Ministers and Ruling Elders of the Synod of Kentucky shall have power, at any regular annual meeting, under such rules and regulations as they may prescribe, to elect five Trustees, to whom shall be entrusted the property and affairs of said corporation. But the above named Trustees, and those who may hereafter be elected, shall continue in office until their successors are elected.

Trustees, how to be elected, &c.

1850.

May receive
property or mo-
ney, manage &
dispose of same.

Professorship
to be endowed.

Corporate
powers & privi-
leges.

Funds hereto-
fore subscribed,
how applied,
&c.

May appoint
officers of cor-
poration.

Misnomer not
to defeat gift or
grant to corpo-
ration.

SEC. 3. The said corporation is hereby made capable of receiving, taking, and holding, any lands, moneys, or chattels, not exceeding in value fifty thousand dollars in the aggregate; and the Trustees of said corporation are hereby invested with power to dispose of or manage said lands, moneys, and chattels, in such manner, as shall seem to them best, so as to raise an annual sum not exceeding five thousand dollars; and such annual sum, when so raised, after paying all charges incident to its collection and management, shall be applied by said Trustees to the support of such Professor in the Theological Seminary at New Albany, as may from time to time, be nominated by the Synod of Kentucky, and to meet all proper expenses incident to said Synod's connection with said Seminary; but should the Synod of Kentucky, in the exercise of its right under the terms of its contract with the Board of Directors of said Seminary, fail at any time to nominate a Professor in said Seminary, or dissolve its connection with said Seminary, said Trustees shall then hold said fund and apply the annual interest thereon elsewhere, under the direction of the Synod of Kentucky, to the same object contemplated by this act and no other, viz: to the Theological Instruction of candidates for the Christian Ministry.

SEC. 4. Any funds heretofore contributed, granted, or otherwise set apart for purposes of Theological Instruction, to be used through the Trustees of Centre College, or otherwise, under the direction of the Synod of Kentucky, may, at the option of said Synod and with the consent of the Trustees of Centre College, be united with the fund now proposed to be raised and invested in the "Trustees of the Theological Fund of the Synod of Kentucky" for the purposes above set forth.

SEC. 5. The said corporation is hereby empowered to appoint its own officers and establish such by-laws for its own government as deemed proper: *Provided*, the same be not repugnant to the constitution and laws of this State, or the United States; and in all matters appertaining to the affairs of said corporation, a majority of the Trustees shall concur.

SEC. 6. No misnomer of said corporation shall defeat any gift, grant, devise, or bequest, to or from said corporation: *Provided*, the intention of the party sufficiently appears upon the face of the gift, will, grant, or other writing, whereby any estate or interest was intended to pass to or from said corporation.

SEC. 7. The said corporation is authorized to use a common seal, but a scroll used by it shall be equally binding and obligatory.

SEC. 8. This act shall be subject to amendment or repeal at the pleasure of the Legislature.

Approved March 1, 1850.

CHAPTER 209.

1850.

AN ACT to incorporate Chosen Friends Lodge, No. 2, and Eureka Lodge, No. 36, of the Independent Order of Odd Fellows.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That D. C. Heiskell, Chas. Woolford, Chas. W. Taylor, Wm. Irwin, M. Neill, and W. S. Pilcher, and their associates, be and they are hereby created a body corporate, by the name and style of "Chosen Friends Lodge, No. 2," of the Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable, in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain such regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, they be not in contravention of the constitution, laws, and regulations, of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act, approved February 16, 1838, nor in contravention of the constitution and laws of the United States, or of this State.

Corporators' names.

Name & style.

Power and privileges.

SEC. 2. This corporation shall have power to purchase and hold a suitable lot or lots in the city of Louisville, upon which to erect such buildings as may be wanted for the use of said Lodge, and such furniture and other effects necessary for the use of said Lodge; and to make conveyances, and assure, by deed, the title to any property now held to the use of said Lodge, which is either sold or unsold, or contracted to be sold, by any person or persons whatsoever, for or on behalf of said Lodge; and said corporation shall be bound by and in every respect fulfil the contracts of said Lodge, made and entered into before the passage of this act.

May purchase and hold lots, and erect buildings, &c.

SEC. 3. Said corporation shall have power to raise money, by subscription, donation, or by loans bearing or not bearing interest, or by subscription for stock in said buildings named in the preceding section; and for said subscriptions to stock, certificates may be issued by said Lodge, in shares of twenty five dollars each, and each shareholder shall vote for the Manager hereinafter provided for, one vote, either in person or by proxy, for each share up to five, and one vote for every five shares thereafter; and if said Lodge shall erect her said buildings by a joint stock Company, a dividend shall be made semi-annually, on the first of January and July in each year; but the amount to be raised in any of the ways aforesaid by said Lodge shall not exceed \$20,000, and the same shall be applied as pro-

May raise funds by subscription of stock or donation.

Dividends on stock to be declared.

1850.

vided in the preceding section, and said corporation shall have power to sell or otherwise dispose of the land by virtue of this act, or any portion thereof, provided the Lodge shall deem it necessary.

Meeting of
Lodge to be
called, and laws
adopted, &c.

SEC. 4. Within thirty days after the passage of this act, the corporators herein named shall call a meeting of all the members of said Lodge, and may adopt such permanent rules and regulations as the majority may deem proper.

Board of man-
agers to be ap-
pointed, their
powers and du-
ties.

SEC. 5. It shall be the duty of the corporators herein named, and their associates, to appoint a Board of five Managers, members of said Lodge, whose duty it shall be to take charge of the fiscal concerns of said corporation, a majority of whom shall constitute a quorum to do business; but if said Lodge, at the first meeting called, as provided in the fourth section, or at any meeting within six months after the passage of this act, shall determine to raise the sum needed for the lot and building aforesaid by a stock Company, said corporators shall, within fifteen days after such determination, open books at such place or places in the city of Louisville as they may appoint, under the superintendence of not less than two of the corporators aforesaid at each place, when said books shall be opened for said subscription of stock; and said Lodge shall subscribe for and shall never hold less than one fourth of the whole number of shares of the said stock; and when one fourth of the residue of said stock, or five thousand dollars, (if twenty thousand dollars be required,) shall have been subscribed for by other persons, Lodges, or corporations, then said corporators, in thirty days thereafter, shall call a meeting of the shareholders, who shall elect said five Managers, who shall hold their places for one year, and until their successors shall be elected and qualified. No person shall be a Manager who is not a working Odd Fellow and a holder of at least five shares of said stock. The Lodge shall regulate the amount to be paid on each share of stock at the time of subscribing, and in what sums and at what times subsequent calls shall be made thereon.

Qualifications
of managers,
&c.

No powers to
be exercised not
hereby granted;
right to repeal,
reserved.

SEC. 6. This corporation shall exercise no powers inconsistent with the objects and designs of this grant, and the Legislature reserves the right to amend, modify, or repeal this act, but the repeal shall not deprive the said Lodge or said shareholders of the property and effects acquired and held under this charter.

Eureka Lodge
incorporated.

Corporators'
names, powers
and privileges.

SEC. 7. *Be it further enacted*, That John G. Praigg, Jas. M. More, O. Truman, F. Williams, and Michael Kean, and their associates, members of Eureka Lodge, No. 36, Independent Order of Odd Fellows, in Louisville, be created a body politic and corporate, by the name of Eureka Lodge, No. 36, Independent Order of Odd Fellows, with perpetual succession; and by that name shall be able and

capable, in law, to have and use a common seal, to sue and be sued, plead and be impleaded, answer and defend in all courts and elsewhere, as natural persons, and may ordain and execute such laws, rules, and regulations, for its government, as they may deem proper, not contrary to the constitution and laws of this State, or the United States.

1850.

SEC. 8. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding \$10,000 in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds; and to create a fund, in the same manner, for the benefit of the widow and orphans of members that may die, sufficient to yield an annual income, not exceeding \$1,000, and to make and change laws for the care and distribution of the same.

May acquire & hold property, &c.

SEC. 9. In the event of the dissolution of this corporation, its effects and property shall become the property of the Grand Lodge of the Independent Order of Odd Fellows of Kentucky.

Approved March 1, 1850.

CHAPTER 210.

AN ACT to incorporate the Claysville Licking Bridge Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That N. R. Whitehead, S. V. Lee, A. M. Cameron, Daniel Coleman, N. M. Durbin, George Green, B. H. Rankin, Paul King, Alexander Rutter, William A. Withers, and William Thompson, and such others as may be associated with them, shall be and they are hereby made a corporation and body politic and corporate, under the name and style of the President and Directors of the Licking Bridge Company, and by that name and style shall have regular succession; may sue and be sued, plead and be impleaded, in all the courts of law and equity in this Commonwealth, and have and possess all the power incident to a corporation, necessary to carry into effect the objects of this act. The capital stock shall be ten thousand dollars, divided into shares of twenty five dollars each. The capital stock may be increased by the President and Directors to such amount as may be necessary to construct a Bridge across Licking river at Claysville, in Harrison county, which stock may be subscribed for at such times and places as any of said Commissioners herein named may deem proper, and they are authorized to books for the subscription of stock, from time to time, as to them may seem proper, until the whole of the stock shall be subscribed; they shall procure one or more books, and the subscribers therein shall sign an obligation as follows, to-wit :

Corporators' names.

Corporate powers.

Capital stock.

1850.

Obligation to
be signed.

"We, whose names are hereunto subscribed, do respectively promise to pay to the Licking Bridge Company the sum of twenty five dollars for each share of stock set opposite our respective names, subject to the rules of the charter of said Company.

President and
Directors to be
elected.

SEC. 2. That so soon as the sum of three thousand dollars is subscribed, they shall give public notice, set up in writing, at six public places in the counties of Harrison and Bracken, or in some public newspaper, at least fifteen days, calling a meeting of the stockholders at Claysville, at such time as they may appoint, for the election of President and five Directors; and each and every stockholder shall have one vote for each share of stock he or they may own, and may vote in person or by proxy; and each year thereafter, the stockholders shall meet, at such time and place as the President and Directors shall appoint, and elect a President and five Directors to serve the ensuing year, and until their successors are elected; and after the first election, all the powers and privileges hereby granted shall vest in the President and Directors of said Company, and their successors in office.

Calls on stock
may be let out
to any undertaker.

SEC. 3. That the President and Directors shall have power to make calls on the stockholders for such proportions of the stock so subscribed, and collect it, as they may, from time to time, deem necessary; and they may let out to any undertaker or contractor, the building and construction of said Bridge; and shall have and possess full power to make contracts with any individual for stone, timber, or materials of any kind necessary to be used in its construction, and to receive by gift or purchase any conveyance of lands, on either side of said river, for the abutments, toll house, and necessary avenue leading to said Bridge.

Toll collector
to be appointed.

SEC. 4. That upon the completion of said Bridge, the President and Directors may appoint a toll collector at such price as may be agreed upon, to demand and receive from all travellers and other persons passing over said Bridge, the same rates of toll as charged and collected at any of the toll gates on the Maysville and Lexington Turnpike Road.

Dividends to
be made.

SEC. 5. That the President and Directors shall cause a dividend of the nett profits arising from the tolls of said Bridge to be made annually among the stockholders, but no dividend shall be made to any stockholder who may be in arrears.

County Court
of Harrison may
take stock under
certain restrictions.

SEC. 6. That it shall be lawful for the County Court of Harrison county to take stock in said Bridge Company, to the amount of six thousand dollars, so soon as it is sanctioned by a majority of all the votes cast for and against it; and in order to ascertain the wish of the voters of the county, it is made the duty of the Sheriff and other officers conducting the election, at the next August election, to open

a poll for and against taking said stock, and two columns shall be opened by the Clerk, one headed "for the Bridge," and the other "against the Bridge;" and if it be found, upon comparison and addition, that a majority of all the votes cast for and against the Bridge is in favor of it, then it shall be duty of the County Court to direct their Clerk to subscribe, in the book of said Company, for stock to the amount of six thousand dollars; and in order to enable said court to pay said stock, it shall be lawful for them, at any term, to levy a tax upon all the real estate in said county, not exceeding eight cents on each hundred dollars worth, any one year, and to cause the same to be collected; and may vote and act, in all respects, as other stockholders, through an agent appointed of record by said court.

1850.

SEC. 7. The President and Directors are hereby vested with full power and authority to proceed to have a sufficient quantity of land for the abutments, and toll houses, and roads, &c., to said Bridge, on either or both sides of said river, condemned for public use, and for that purpose shall proceed in like manner as now provided by law for condemning private property for public use, under the road laws of this Commonwealth: *Provided*, that the jury shall take into consideration the advantages and disadvantages, resulting to the owner or owners of such lands as shall be so condemned for the use of said Company.

Lands for abutments may be acquired.

SEC. 8. That said Bridge shall be constructed of sufficient height to admit the passage of all boats that can navigate said river at the ordinary highest stages.

Height of the bridge.

SEC. 9. That the President and Directors shall have power to make by-laws for regulating the crossing of said Bridge, and for the care and preservation of the same, and to fine persons violating such by-laws, which fines shall be collected by any Constable of Harrison county as other debts, and be applied to the use of said Company.

May make by-laws.

Approved March 1, 1850.

CHAPTER 211.

AN ACT to amend the charter of the Carlisle and Sharpsburg Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act incorporating the Carlisle and Sharpsburg Turnpike Road Company, approved 26th February, 1847, is hereby amended, so as to authorize and allow the President and Directors of said company to locate that part of said road between Carlisle and Sharpsburg upon any route which they may think best adapted to secure the completion of said road; and in the location thereof, the President and Directors shall not be confined to the particular route or point designated in said charter.

May be located on such route as directors may select.

1850.

Where gates
may be erected.

SEC. 2. That said President and Directors may erect the toll gate, authorized by said charter to be erected, on that part of said road between Carlisle and Forest Retreat, at any point on said road not within one half mile of Carlisle: *Provided*, that said toll gate shall never be placed or remain between the town of Carlisle and the county road which intersects said Turnpike road, between the house of widow Sims and the house of William Mathers, either as it now intersects it, or as it may hereafter intersect it, by any legal change of said county road.

Approved March 1, 1850.

CHAPTER 213.

AN ACT to amend the laws in relation to the town of Frankfort.

Laws in rela-
tion to South
Frankfort, re-
pealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws now in force relating to or concerning the town of South Frankfort, and all laws authorizing the election of Trustees, the appointment of a Police Judge and Marshal, be and the same hereby are repealed.

South Frank-
fort annexed to
North Frank-
fort.

SEC. 2. That all the ground upon which the town of South Frankfort was laid out, and as the same appears from a map and plan thereof now on file in the Clerk's office of the Franklin Circuit Court, be and the same are hereby annexed to, and hereafter to compose a part of the city of Frankfort; and to be subject to all the laws and by-laws now in force concerning the town or city of Frankfort, except so far as the same may be changed by this act.

South Frank-
fort to be one
ward.

SEC. 3. All that part of the city of Frankfort which lies south of the Kentucky river shall form an additional ward, until otherwise changed by the Board of Councilmen, to be known as Ward Number Eight; and the inhabitants residing within that boundary having the qualifications to vote for Trustees of South Frankfort shall, on the third Saturday in March next, at Coleman's Hotel, or at such other place as the Board of Councilmen may designate, elect a councilman, who shall hold his office until the next annual election of councilmen of the said city of Frankfort. And thereafter, the election of a councilman in said ward shall be held at the same time as the elections are held in the other wards of said city, and the voters in the said eighth ward shall, after the first election, possess the same qualifications as the voters in the other wards of said city.

Taxes appor-
tioned.

SEC. 4. That the Mayor and Board of Councilmen of the city of Frankfort shall so apportion the taxes collected by said city, that the amount of taxes collected from the persons and property on the south side of the Kentucky river shall be expended on that side of the river.

Approved March 1, 1850.

CHAPTER 214.

1850.

AN ACT to establish additional Election Precincts in Franklin county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established, in the county of Franklin, the following election precincts, viz: one at or near the store house of Robert Church, on Main Elkhorn, to be called "Elkhorn Precinct," the boundaries of which shall be as follows: beginning at the mouth of Steele's branch, on the Kentucky river; thence up said branch, and with the road running up the same, to its junction with the Frankfort and Owenton road, near the present residence of Francis Wairhaye; thence with said road to the Stedman's mill road, and with the same to its intersection of the Frankfort and Peak's mill road; thence on a line to Main Elkhorn, so as to include the house of H. B. Innes; thence from Main Elkhorn, a line through the farm of W. S. Church, excluding his house, to the junction of the Cincinnati and Sulphur Lick roads, excluding also the house of John A. Holton; thence with the Cincinnati road to the farm of H. M. Bedford, on North Elkhorn, excluding his house; thence up and with said North fork to the Scott county line, and with said line to the Owen county line, and with said line to the Kentucky river, and thence up said river to the beginning.

Precinct established at Robert Church's, on Elkhorn.—Boundary—precinct.

SEC. 2. An election precinct at or near the house of Dudley M. Porter, on Flat creek, to be called "Flat Creek Precinct," the boundaries of which shall be as follows: beginning at the Henry and Franklin county line, on the Kentucky river; thence with said line, and the Shelby and Franklin county line, to its intersection of the road from Frankfort to New Castle; thence with said road to a point within fifty yards of the house of George Sudduth; thence a straight line to the head waters of Stony creek; thence down said creek to its junction with the Kentucky river, excluding the house of Charles Penn, and thence down said river to the beginning.

Precinct at Porter's, on Flat creek. Boundary.

SEC. 3. An election precinct at the tavern house of Wheeler Wiggs, in Bridgeport, to be called "Bridgeport Precinct," the boundaries of which shall be as follows: beginning at the saw and grist mill of A. P. Cox, on Benson; thence with the Louisville and Frankfort Railroad to the Shelby county line; thence with said line to the Anderson county line, and with the same to the Frankfort and Lawrenceburg road; thence with said road to its junction with the Frankfort and Louisville Turnpike road, and with the same to the farm of O. Lynn, deceased, including said farm; thence a straight line to Russell's mill, on Benson, with said creek to the beginning.

Precinct established at Bridgeport.—Boundary.

SEC. 4. All the qualified voters of Franklin county, who are not embraced in the foregoing boundaries, may vote as

1850. heretofore at the Court House of said county, in the city of Frankfort, but at no other place.

Elections to
be held under
general laws.

SEC. 5. Polls shall be opened and elections held and conducted at the several precincts hereby established, in the same manner and under the same regulations prescribed by the general election laws of this State.

Persons not
to vote out of
precinct.

SEC. 6. It shall not be lawful for any person or persons to vote at any of the precincts established by this act, unless he be a resident thereof, except at the Court House of said county.

Approved March 1, 1850.

CHAPTER 215.

AN ACT to incorporate the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company.

Object of cor-
poration, name
and style.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed and incorporated, to construct a turnpike road, on the McAdams plan, from the city of Maysville, through or near the town of Orangeburg, to the town of Mount Carmel, by the name and style of the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company; and by that name and style may sue and be sued, contract and be contracted with, plead and be impleaded, in all the courts of this Commonwealth, and have and use a common seal, and alter, amend, or renew the same at pleasure.

Corporate
powers.

Capital stock.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each; and each share shall entitle the holder to one vote in all meetings of the stockholders.

Commission-
ers to open
books.

SEC. 3. That John D. Stilwell, James N. Morrison, John M. Breden, in and near the city of Maysville, and John S. Wells, Gen. Simon Baker, and William D. Coryell, in the town of Orangeburg, and John Porter, Martin P. Marshall, and Gilbert Adams, in the town of Mount Carmel, are hereby appointed Commissioners, whose duty it shall be, to open books for the subscription of stock, at such times and places as they, or any five of them, may deem expedient; and so soon as ten thousand dollars of stock is subscribed by individuals, companies, or corporations, they shall give ten days notice of the time and place of the meeting of the stockholders for the purpose of electing a President and six Directors for said company, and a majority of whom, and their successors in office, shall be competent to do and perform all acts and things necessary, and authorized by this act to be done by the President and Directors of said company; and the management of the fiscal and prudential concerns of said company shall be confined to the President and Directors, and their suc-

When meet-
ing to be called,
and Directors
elected.

Powers and
duties of Pres-
ident and Direct-
ors.

cessors in office, to be chosen annually at such time and place as the said President and Directors may, from time to time, appoint, and who shall continue in office until their successors shall be appointed.

1850.

SEC. 4. That no person shall be eligible as President or Director of said company, who is not the owner, in his own right, of at least one share of stock; and any President or Director ceasing to be the owner of stock to that amount shall cease to be a President or Director; and the Board may, from time to time, fill all vacancies occurring in their body.

Who, eligible
as Director.

SEC. 5. The President and Directors shall have power to appoint a Treasurer, Gate Keepers, and other officers or agents deemed necessary to effect the purposes of this act, and to remove the same at pleasure; they shall have power to require of the Treasurer, and all other officers or agents appointed by them, bond and security, in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such, and containing any other conditions or stipulations which they may require.

Officers, ag'ts,
&c., to be ap-
pointed.

SEC. 6. The said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation on said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the President and Directors of the Maysville, Orangeburg, and Mount Carmel Turnpike Road Company, the sum of one hundred dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the President and Directors of said company, and agreeably to the act of the General Assembly, incorporating said company. Witness our hands this day ."

Obligation of
subscribers.

SEC. 7. That said road shall be opened not less than fifty feet wide, and shall be graded at an elevation not to exceed four degrees in any part thereof; and said President and Directors shall have the right, whenever a continuous portion of five miles of said road is completed, to erect a toll gate on the same; and when the whole road is completed they shall have the right to erect and keep on the same a gate for every five miles of said road, not nearer together, however, than five miles; and when so erected, the said company shall have the right to demand, collect, and receive, at each of said gates, on the travel and transportation on said road, a rate of toll not exceeding that now authorized to be charged on the turnpike leading from Maysville to Lexington.

Width of road.

Gates may be
erected.

SEC. 8. That the fifth, sixth, eighth, ninth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, nineteenth, twenty-second, twenty-fifth, twenty-seventh, and thirtieth sec-

Certain sec-
tions of Mays-
ville and Mount-
sterling charter
adopted.

1850.

tions of the act, entitled, an act to incorporate the Mountsterling and Maysville Turnpike Road Company, approved January 29, 1836, shall apply to the company hereby created, and are made part hereof, as though the same were herewith incorporated, except so much of said sections as may be inconsistent with the provisions of this act, subject to the same limitation and restrictions, and with the same benefits and advantages in all respects: *Provided*, that nothing herein contained shall be so construed as to direct or authorize the subscription of stock, or appropriation of money, on the part of the State of Kentucky.

Approved March 1, 1850.

CHAPTER 216.

AN ACT to incorporate the North Middletown, Mount Ida, and Mountsterling Turnpike Road Company.

Object, name
and style.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company is hereby created for the purpose of making a Turnpike Road, on the McAdams plan, from North Middletown, in Bourbon county, by way of Mount Ida to Mountsterling, in Montgomery county, under the name and style of the North Middletown, Mount Ida, and Mountsterling Turnpike Road Company, and by that name and style shall be a body politic and corporate.

Capital stock.
books to be
opened.

SEC. 2. The capital stock of said Company shall be thirty thousand dollars, divided into shares of one hundred dollars each. Subscriptions for stock shall be opened at North Middletown, Mount Ida, and Mountsterling, on or before the first Monday in March next, or in a reasonable time thereafter, and continue open, from time to time, under the direction of the Commissioners hereinafter named.

Commission-
ers to open
books.

SEC. 3. That the following named persons are appointed Commissioners to perform the several duties required by this act, to-wit: at North Middletown, Jonathan Owens, William J. Mason, and John Jay Anderson; at Mount Ida, Albert G. Gateskill, Horace Benton, and Thornton M. Northcutt; and at Mountsterling, Strother D. Mitchell, Alvin Barnes, and William Furguson, who shall procure and open books for subscription, and the subscribers for stock shall subscribe therein an obligation of the following terms, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the North Middletown, Mount Ida, and Mountsterling Turnpike Road Company, the sum of one hundred dollars for each share of stock set opposite our names, in such proportions, and at such times, as shall be determined by said corporation."

Obligation.

SEC. 4. When one hundred and fifty shares of stock shall

be subscribed between North Middletown and Mountsterling, or when eighty shares shall be subscribed on the route of said road within six consecutive miles of either terminus, said Commissioners, or a majority of them, shall publish notice of the fact, in the Western Citizen, and Mountsterling Whig, for three weeks in succession, and call a meeting of the stockholders, at such time and place as they may designate in such notice, for the purpose of choosing officers; and in the election of officers, each shareholder shall be entitled to one vote for each share of stock he shall have taken, and may vote in person, or by proxy in writing.

1850.

President and Directors to be chosen.

SEC. 5. The officers of said Company shall consist of a President, four Directors, and a Treasurer. The President and Directors shall keep a fair record of all their proceedings, in a well bound book, which shall at all times be accessible to each and every one of the stockholders.

Officers.

SEC. 6. The width of said road shall not be over fifty feet, and the part covered with metal not more than sixteen feet wide.

Width of road.

SEC. 7. That it shall be lawful for the Trustees of North Middletown and Mountsterling, or for any corporation created by law, by their agent for such purpose appointed, to subscribe stock in said Company.

Trustees of towns may subscribe stock.

SEC. 8. The Bourbon County Court may subscribe stock in said Company, (a majority of its Justices being present and concurring,) by an order directing their Clerk to make such subscription, and to be applied to the building of such part as lies within the county, and the County Court of Montgomery may subscribe, in like manner, to be applied to that part of the road in that county, and the same when made shall be obligatory on said counties; and to enable said counties to pay such subscription, when made, they are hereby empowered to levy a tax on the lands, and all the estate in said counties subject to State revenue, not to exceed six cents on the one hundred dollars' worth of property in any one year; and said tax, when levied, shall be collected by the Sheriffs of said counties, and by them paid over to the County Treasurers of each county, on or before the first day of January next, succeeding the year in which the same is levied and to be paid, and the Treasurer shall pay the same at such time and in such manner and amounts, as shall be required of him by the President and Directors of said Company: *Provided*, that the dividends arising on the stocks thus taken by said County Courts, shall be applied, when collected, towards lessening the county levies.

Bourbon Ct'y Court may subscribe stock.

May levy tax to pay stock.

SEC. 9. So soon as said Company shall organize, the President and Directors shall possess all the powers, authorities, rights, and privileges, and may do all the acts and things necessary for letting, contracting, and completing said Turnpike Road; and shall be subject to all the

Maysville and Lex. Turnpike road charter adopted.

1850.

duties, qualifications and restrictions, penalties, fines and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Maysville and Lexington Turnpike Road Company; and all the provisions of the act, approved January 22d, 1827, incorporating the Maysville and Lexington Turnpike Road Company, are hereby enacted as part hereof, except so far as provided by this act, and as may come in collision with the provisions of the same, and except, also, so much of the provisions of the 14th section thereof as requires notice to the Governor when five miles of said road shall be completed, and a license from him to erect gates, &c.; the President and Directors being hereby authorized to perform that duty; and, also, excepting the whole of the 27th, 28th, and 29th sections of said act.

Route of road.

SEC. 10. That the President and Directors of said Company shall locate said road on the most direct and practical route from North Middletown to Mountsterling, by way of Mount Ida, and they shall fix the elevation of the grade of said road.

Toll gate may be erected.

SEC. 11. The President and Directors, as soon as five consecutive miles shall be completed, may erect a toll gate thereon, at which they may collect such tolls as are contemplated by the 9th section of this act.

Pay to Sheriff for collecting tax.

SEC. 12. That the Sheriffs, for collecting and paying over the road tax to be assessed by the County Courts under this act, shall be allowed five per cent. on the amount collected and paid over; and for failing to perform the duties prescribed in this act. they shall be subject to all the liabilities which they would incur for a like failure in the discharge of their duties as collectors of the State revenue.

Penalty for failure to pay over.

Exemption from work on other roads.

SEC. 13. That all persons who may subscribe stock to said road, shall not, when the same has been completed, be compelled to work upon any other.

Exemption from tolls.

SEC. 14. That all stockholders and their families, in going to or from elections or mills, or attending any funeral services or processions, shall be exempted from paying tolls.

Approved March 1, 1850.

CHAPTER 217.

AN ACT to incorporate the Amicitiae Societas of Cumberland College.

Corporators' names.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William C. McGehee, James Vinson, J. D. Watkins, R. R. Wilkins, A. G. Horne, Tho. W. Wilson, B. S. Young, B. F. Grace, A. C. Baker, A. Armstrong, W. H. Miller, and A. B. George, their associates and successors, those who have subscribed and those who may hereafter subscribe to the Amicitiae Societas of

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Cumberland College, shall be a body politic and corporate, to be known by the style of the "Amicitia Societas of Cumberland College."

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Name & style.

SEC. 2. That William C. McGehee, James Vinson, W. H. Miller, J. D. Watkins, and A. B. George, be constituted Trustees of said Society, and in that name and character, may sue and be sued, plead and be impleaded, and take, receive, hold, use and enjoy, for the use and benefit of said Society, all real or personal property which may be given or bequeathed to them: *Provided*, said property be forever kept and used at Cumberland College at Princeton, and the amount of property, so held, shall never exceed fifty thousand dollars.

Trustees' powers, &c.

SEC. 3. That the Trustees of said Society may have, make, and use a common seal, which they may change and alter at pleasure.

May use a common seal.

SEC. 4. That said Trustees are hereby empowered to establish a library in Cumberland College, with permission of the Trustees of said Institution; and when the library is so established, as aforesaid, it shall remain in perpetual connection with said Institution.

May establish a library.

SEC. 5. That the members of said Society, who are students of Cumberland College, may meet in some hall of the College on Friday after the third Monday in September in each year, for the purpose of electing five Trustees for said Society, who shall hold their offices for one year, or until their successors are appointed; and the Trustees named in the second section of this act shall continue in office till the Friday after the third Monday in September, 1850, or until said members or students shall appoint their successors.

Trustees, when and how to be elected.

SEC. 6. That said Trustees, and their successors, before they enter on the discharge of their duties, shall take an oath before some Justice of the Peace, that they will faithfully and impartially discharge their duties according to the constitution and laws of the Institution.

Trustees to take oath, &c.

SEC. 7. The members of the Amicitia Societas, who are students of Cumberland College, shall have power (a majority of those present at their meetings concurring,) to pass any by-laws, rules, and regulations, for their own government, and for the promotion of the interest of said Society, which they may deem expedient: *Provided*, they be not repugnant to the laws of this State, or of the United States, and to the interest of Cumberland College.

May pass by laws, &c.

SEC. 8. The Legislature hereby retains the power to alter, change, modify or repeal this act at pleasure.

Power to repeal, reserved.

Approved March 1, 1850.

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CHAPTER 219.

AN ACT for the benefit of Mariam Burbridge, of Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Scott Circuit Court shall have power to decree a sale of the slaves of Mariam Burbridge, a lunatic of Scott county, if upon petition filed and sworn to by Oscar H. Burbridge, her trustee, and upon oral and other proof, it shall appear to him to be to the interest of said Mariam for such sale to be made; and he may make such further orders and decrees in the cause as to him may seem advisable to secure properly and safely the proceeds of sale, by requiring bond, with security, from her trustee or committee; and may also appoint, if necessary, some other person to act as trustee in the place of Oscar H. Burbridge.

Approved March 1, 1850.

CHAPTER 221.

AN ACT to amend an act, entitled, an act incorporating the Henry and Trimble Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act incorporating the Henry and Trimble Turnpike Road Company, approved February 26, 1849, be so amended as to give the said Company the right and power, at their discretion, to make said road, or any part thereof, with plank; and the Commissioners named in the act to which this is an amendment, be and they are hereby vested with full power to designate the point on the Ohio river where said road shall commence.

Approved March 1, 1850.

CHAPTER 222.

AN ACT to change the name of Louisa Isabel Clarke, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the name of Louisa Isabel Clarke be and the same is hereby changed to Louisa Isabel Fonda, and she is hereby made capable of inheriting the estate of John Fonda, of Louisville, Kentucky, as much so as if she were his own child, born in lawful wedlock.

L. A. Clark's
name changed.

M., E. and G.
Taylor's names
changed.

SEC. 2. That the names of Mimy Taylor, Emily Taylor, and Sally Taylor, be changed to those of Mimy Worley, Emily Worley, and Sally Worley, and that they be legitimized and made capable in law of inheriting the estate of their father, Reubin Worley, to the same extent and as fully as if they had been born in lawful wedlock.

Approved March 1, 1850.

CHAPTER 223.

1850.

AN ACT to amend an act incorporating the Mayaville Linen Company, approved February 12, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the business of "manufacturing linen," authorized by said act, the said corporation shall be and is hereby authorized to manufacture rope or cordage of any and all kinds, bagging, cotton yarns or cotton shirtings or sheetings, or woollen fabrics of any kind.

Approved March 1, 1850.

CHAPTER 224.

AN ACT to incorporate the Fourth Street Presbyterian Church of Louisville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Dr. — Carr, Otis Patten, Isaac F. Stone, Mitchell Pomeroy, and — Hunter, the present Trustees of the Fourth Presbyterian Church in Louisville, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Fourth Presbyterian Church of Louisville, and by that name shall have perpetual succession, with all the powers incident to such corporations, for the purposes of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions, and immunities of said Church, which now do or may hereafter belong to the same.

Trustees of church incorporated—name & style.

SEC. 2. That whenever vacancies may occur in said Trustees, it shall be lawful for them to be filled, pursuant to the discipline and rules of said Church. The Legislature hereby reserves the right to alter, amend, or repeal this act at pleasure.

Vacancies to be filled, &c.

SEC. 3. *Be it further enacted,* That James West, John Wallace, Wm. Cooper, Henry D. Kyle, and Lewis Castleman, and their successors in office, are hereby created a body corporate and politic, by the name and style of the Trustees of the Mount Horeb Presbyterian Church of Fayette county; and by that name may sue and be sued, have perpetual succession, and a common seal, which they may change at pleasure; and a majority of the male members of said church shall have power to fill all vacancies that may occur in the Board of Trustees.

Mount Horeb church incorporated.

SEC. 4. That said Trustees, and their successors, shall have power to hold, for the use of said church, a house to be used for a church, and ground adjoining, not to exceed ten acres; and to purchase and hold for the use of said church a grave yard, a parsonage, and so much ground as

May hold property, &c.

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may be given or purchased, to be connected with said parsonage; and a house, with so much ground connected therewith, as may be given or purchased, for a parochial school.

May receive
donations.

SEC. 5. The said Trustees, and their successors, shall have power to receive deeds to the ground given to or purchased for the use of said church, and to make such contracts as may be necessary and proper for the interest of the church: *Provided*, that the General Assembly reserves the right to amend or repeal this act at pleasure.

Approved March 1, 1850.

CHAPTER 225.

AN ACT for the benefit of Ann Maria and Sarah M. Ross, of Breckinridge county.

Whereas, it is represented that Ann Maria Ross, and her infant daughter Sarah M. Ross, the widow and heir of William Ross, own jointly a tract of land in Breckinridge county, containing thirty three and one third acres, and lying on the Ohio river, adjoining the lands of M. Cunningham and J. Hall; and whereas, a sale of said land would redound to the interest of the parties. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for said Ann Maria Ross, and the guardian of said Sarah M. Ross, to file their petition in the Breckinridge Circuit Court, praying a sale of said tract of land; and if, upon a hearing of the cause, the Chancellor shall be of opinion that a sale of the same will redound to the interest of the parties, he shall decree a sale of the same, upon such credits and in such manner, as he may deem equitable and right, and for the best interest of the said Ann Maria and Sarah M. Ross.

Approved March 1, 1850.

CHAPTER 226.

AN ACT for the benefit of the representatives of Henry H. Dejarnatt, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Polly Dejarnatt, widow of Henry H. Dejarnatt, may apply, by appropriate proceedings, for herself and on behalf of her infant children, heirs of said H. H. Dejarnatt, to the Circuit Court of proper jurisdiction, for such orders and decrees as will exempt from sale the slave of which said decedent died possessed, and subject to sale the lands of his estate; and after appropriating the proceeds of sale to the payment of his debts, which the personalty of his estate is insufficient to discharge, to re-invest

the same in other lands for the said widow and heirs, and such court shall have power to make such orders and decrees, if upon proof it shall be satisfied that the condition of said widow and heirs will be benefitted thereby, and in such re-investment the court shall cause title to the lands so purchased to be made to the heirs of said H. H. Dejar-natt, insuring to his said widow her right of dower as it exists in the lands of which he died possessed: *Provided*, that in the assignment of dower the sale of the slave shall be taken into account.

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Approved March 1, 1850.

CHAPTER 227.

AN ACT for the benefit of James W. and Caldwell C. Maupin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James W. Maupin and Caldwell C. Maupin, sons of George W. Maupin, of Madison county, be and they are hereby relieved from all the disabilities of minority, and may act in all respects as men of the full age of twenty one years, in all that relates to their civil rights. This act to be in force from and after its passage.

Approved March 1, 1850.

CHAPTER 228.

AN ACT for the benefit of the infant children of Hugh I. Brent.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Bourbon Circuit Court be empowered to decree a sale of the undivided interest of Hugh I. Brent's four infant children in the mansion house, and lots appurtenant, of Hugh Brent, Sr., deceased, should he be of opinion, on bill filed by Thomas Y. Brent, the executor of said decedent, the answers of said infants by their guardian *ad litem*, and the proof in the cause, that it will be for the advantage of said infants to make such sale, and said Judge may make such further orders and decrees in the case as will protect the rights of said infants, either by re-investing the proceeds of said sale, or by requiring bond with security for its safe keeping, as to him may seem advisable.

Approved March 1, 1850.

CHAPTER 229.

AN ACT to change the name of Robert Alexander Bryant.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Robert Alexander Bryant, of the county of Scott, be and the same is hereby changed to Robert Alexander Long.

Approved March 1, 1850.

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CHAPTER 232.

AN ACT to incorporate the Franklin Savings Institution, at Louisville.

Name & style. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Savings Institution is hereby established at the city of Louisville, to be called "The Franklin Savings Institution," and by that name shall have all the rights and privileges of a natural person, in suing and being sued, answering and defending in all courts of law or equity.

Names of commissioners to open books for subscription of stock, &c.

SEC. 2. John Bull, Thomas W. Pollard, Jabez Baldwin, Harrison Bridges, John Tompkins, Andrew J. Lapping, Henry C. Caruth, Oscar Wilder, Samuel W. Pugh, J. E. Haynes, and B. Musselman, or any three or more of them, may, at such time and place as suits their convenience, open books for the subscription of stock, which shall be in shares of twenty five dollars each; and when four thousand shares shall be subscribed, and one dollar per share paid thereon, the stockholders may meet and elect seven Directors, who shall serve one year, and until their successors shall be elected. The Directors may, annually, elect a President of their number.

President and Directors to adopt seal, &c.]

SEC. 3. The President and Directors may adopt a seal, and change it at pleasure; they may appoint all necessary agents and officers, fix their compensation, and take bond and security for the faithful discharge of their duties. They may prescribe the manner of paying in the stock, and the transfer thereof. They shall have a lien on the stock for debts due them before other creditors, except the State and for taxes.

Lien on stock.

Banking powers conferred, except issuing notes.

SEC. 4. This corporation shall have the rights and privileges of the chartered banks of the State, except they shall not issue paper as a circulating medium. They may buy notes of hand, payable at any chartered bank or monied institution of the State. They shall receive on deposit any and all sums, not less than one dollar per week, offered as stock deposit; and when it shall amount to twenty five dollars, it shall be stock. They may receive on general or special deposit, gold and silver coin, and bank notes, and allow such interest thereon as may be agreed upon; and twice per year declare and pay to stockholders a dividend of profits.

President and Directors, when and how to be elected.

SEC. 5. The President and Directors shall annually appoint the time and place for holding the election of their successors, and two or more of their number shall attend and conduct said election. They may, at any election, increase or decrease their number, not to exceed twelve nor less than five. The right to alter or repeal the provisions of this charter is reserved to the Legislature.

Approved March 1, 1850.

CHAPTER 233.

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AN ACT incorporating the Town of Livermore, in Ohio county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Livermore, in the county of Ohio, as the same is laid out and of record in the Ohio County Court Clerk's office, be and the same is hereby established and incorporated, with the several streets, alleys, and lots, as respectively laid out and numbered by said plat; and said town, so incorporated, shall be governed by the general laws now in force in this Commonwealth upon the subject of incorporated towns.

Town boundaries, name and style.

Sec. 2. *Be it further enacted*, That the free white male inhabitants of said town, over the age of twenty one years, may meet at some convenient house in said town, on Wednesday after the first Monday in May next, and vote for and elect four Trustees for said town, who shall remain in office for one year, and until their successors are duly qualified; and said Trustees shall have full power to fill all vacancies that may occur in said Board; to elect a Clerk, and pass such by-laws, rules, and regulations, for the government of said town, as they may see proper, not inconsistent with the constitution and laws of this State.

Trustees, how to be elected &c.

Sec. 3. *Be it further enacted*, That said Trustees shall have power to levy a tax on the citizens and property of said town, sufficient to pave the sidewalks in said town, and sufficient to build a wharf fronting in said town, on Green river and Rough creek: *Provided*, that the amount of tax, so levied, shall not exceed the sum of \$50 in any one year, unless the citizens of said town shall vote to increase the taxes to a larger sum, in which event the same shall be increased for the purposes aforesaid to any amount authorized by a majority of the votes in said town.

Trustees may levy a tax, &c.

Sec. 4. *Be it further enacted*, That it shall be lawful for the voters of said town to meet at such place as may be designated by the Trustees thereof, on the 1st Monday in May, in each year hereafter, and elect four Trustees for said town—whose elections, including the election in the 1st section of this act, shall be held by any Justice of the Peace for Ohio county, who shall qualify said Trustees by administering to each of them an oath, that "they will, to the best of their judgment, perform the office of Trustee for the town of Livermore."

Annual elections of Trustees to be held.

Sec. 5. The Legislature of the State of Kentucky reserves the right to change, alter, modify, or repeal this charter.

Power to alter or repeal, reserved.

Sec. 6. *Be it further enacted*, That the powers of the Trustees of the town of Madisonville, Hopkins county, and their successors in office, be so extended as to permit them to levy and collect a tax of not more than fifteen cents on each one hundred dollars worth of property in said town,

Trustees of Madisonville allowed to levy & collect tax, &c.

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to be levied on the *ad valorem* principle; and to levy and collect a poll tax from each white male citizen of said town over the age of twenty one years, a sum not exceeding fifty cents; which said taxes, so raised, shall be appropriated to the necessary expenses of said town, and to the opening and improvement of the streets and alleys in said town.

May have side-walks paved, &c.

SEC. 7. *Be it further enacted*, That they shall have power to cause the side walks of said town to be paved with brick or stone, with stone or wooden curbing, which pavement shall not exceed eight feet in width, except on main and main cross streets; and if the owners of the lots in said town, bordering on the several streets and alleys, the sidewalks of which are to be paved, shall refuse to make the pavement fronting either of their several lots, when required to do so by an order of the said Board of Trustees, then said Trustees may cause the same to be done, and recover from the owner or owners of said lot or lots the amount expended in paving said sidewalks, before any Court of jurisdiction having jurisdiction of the amount (by action of debt or assumpsit,) in said county.

May tax shows, &c.

SEC. 8. *Be it further enacted*, That the Trustees of said town shall have power to tax all shows and exhibitions of every kind, to be exhibited either by man or beast within one half mile of said town: *Provided*, said tax shall not exceed five dollars in any one instance: They shall also have power to tax any auctioneer or peddler, selling goods, or any other articles of merchandise or trade in said town, to any sum not exceeding two and a half per cent. on the amount sold: *Provided*, that no citizen of Hopkins county shall be taxed for peddling in said town, or for auctioneering.

May remove nuisances, &c.

May keep the streets opened, &c.

SEC. 9. *Be it further enacted*, That said Trustees shall have power to remove all nuisances out of the streets, or other parts of said town, and to cause the streets and alleys in said town to be kept open, and to open those in said town which may now be closed, and to lay out such other streets and alleys within the boundary thereof as may be necessary for the ingress and egress of the citizens of said town and vicinity: *Provided*, the ground over which the said streets are to pass shall be condemned by the Hopkins County Court, under a writ of *ad quod damnum*, as is provided by law for the establishment of county roads.

May pass ordinances in relation to free negroes, &c.

SEC. 10. *Be it further enacted*, That they shall have power to pass such ordinances and adopt such rules and regulations concerning free negroes, mulattoes, and slaves, as they may deem necessary and expedient for the good order and security of said town; and, for violations thereof, to inflict adequate punishments, either by fine, imprisonment, or stripes on the bare back, not exceeding in any case ten

dollars fine, ten days' imprisonment, or nine and thirty stripes: *Provided*, that neither fine or imprisonment shall, in no case, be inflicted on a slave.

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SEC. 11. *Be it further enacted*, That they shall also have power to pass ordinances and by-laws prohibiting shooting, showing stallions, drunkenness, profane swearing, and all other riotous, indecent, and improper conduct, within the limits of said town.

May prohibit shooting and showing horses in streets.

SEC. 12. *Be it further enacted*, That they shall have power to pass all such other by-laws, rules, and regulations, for the government of said town, and for the government of the said Board of Trustees—and to enforce said rules or by-laws by fine not exceeding ten dollars—which said rules or by-laws shall not conflict with the general laws now in force, or the constitution of this State.

May pass general by-laws, &c.

SEC. 13. *Be it further enacted*, That they shall have power to appoint a Chairman, Treasurer, and Secretary of their Board, and also a Marshal; and take such bonds from said officers as will enforce the duties of their several offices. Their Marshal shall have power to execute all process and precept to him directed by said Board, and shall enforce all their by-laws and rules, by the execution of any process to him directed; and he shall have power to distrain for the taxes of said town. Said officers shall be allowed such compensation for their services as said Board, from time to time, may allow.

May appoint chairman, treasurer, Secretary, Marshal, &c.

SEC. 14. *Be it further enacted*, That the powers in this act conferred on the Trustees of the town of Madisonville, nor none of said powers shall be exercised by them, until they shall have enumerated them and adopted them as the ordinances and by-laws of said town; in which said enumerated by-laws they shall explicitly set forth the power intended to be exercised; nor shall they exercise the same until such by-law or laws, so adopted by them, shall have been adopted by a majority of the legal voters in said town, except the power to cause the side walks in said town to be paved, which shall be agreed to by a majority of the lot holders, those only to vote whose lots lie on the street or alley, the side walk of which is to be paved.

This act to be accepted by Trustees before going into effect.

SEC. 15. *Be it further enacted*, That the said Trustees shall have the power to hold all such elections, in the town aforesaid as may be necessary to take the sense of the voters therein for the purposes expressed in the fourteenth section of this act at such time or times as they may desire, after having notified the citizens of said town of the time and place such election is to be held at least ten days previous thereto, by written notice posted on the door of the Court House in said town, and at two or more places therein.

May direct holding of elections, &c.

SEC. 16. *Be it further enacted*, That said by-laws, ordinance, or rules of government for said town, shall not take

By-laws, &c., how adopted, and how enforced.

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effect until the same shall have been adopted, as aforesaid; and the votes for and against the same as well as the laws adopted, are recorded on the books of said Board; and, also, notice given thereof to the citizens of said town, at least five days, by the mode required in this act concerning the election in the fifteenth section hereof.

Boundaries of
Grayson extend-
ed.

SEC. 17. *Be it further enacted*, That the boundary of the town of Grayson, in the county of Carter, be and the same is hereby extended, so that, from the Court House in said town to the west, east, north, and south line of boundary around said town, shall be one half a mile from said Court House.

Repealing
clause.

SEC. 18. *Be it further enacted*, That all acts, and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed, and the Legislature reserves the power to change, alter, or modify this act at pleasure.

Approved March 1, 1850.

CHAPTER 234.

AN ACT to incorporate the Kentucky Coal Company, of Union county.

Corporators'
names, corpo-
rate powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James H. Mulford, Stephen M. Edgell, John E. Caldwell, Edward A. Mulford, and their associates and successors, are hereby created a body politic and corporate, by the name and style of the Kentucky Coal Company, and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws for the government of said company, not inconsistent with the constitution and laws of this State, or of the United States.

One or more
persons may be
appointed to
manage.

SEC. 2. That said company shall have power to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules and regulations of said company.

May hold real
estate.

SEC. 3. That said company may hold real estate by lease or purchase, and such personal property as they may deem necessary, or proper, for carrying on the mining of coal in Union county, and transporting the same to market.

May construct
railroads.

SEC. 4. That for the purpose of transporting coal to market, said company shall have power to hold and construct, not exceeding two main railroads, with double or single tracts, as they may deem best, (including the one already built, from the Bluffs to low water mark on the Ohio river, in Union county,) starting from the Bluffs at or near

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the main entries on the land of Joseph Sprague, in said county, and running the most feasible and practicable route to a point, at or near the crane or depot now occupied by Mulford & Co., with as many collateral or side railroads leading from the mouth of their pits or entries, to intersect said main railroad at the most feasible point at or near the foot of the hill or bluffs, as may be deemed necessary by said company, and shall have power to keep said roads up, by repairing or re-building them; and said company, or their agents, are hereby empowered to take possession of and acquire right of way over, not exceeding one hundred feet in width, the whole length or route of said roads, with sufficient grounds at or near the commencement of said roads at the bluffs, and termination at the river, for depots and other buildings, yards or landings, not exceeding three acres at each end, of any one person's land, to be laid off, as near as may be, in a square, and not to interfere with the buildings of the owner of the land, to be taken and laid out as said company may select; and for the purpose of compensating the owner or owners of the lands through which said roads shall pass, and which said company may want to use for depots, lines of roads, &c., if the same cannot be agreed on by said company and the owner or owners of said lands, or in case the owner or owners are under any disability, in law, to contract, or are non-residents of said county, or are unknown, application may be made by said company, from time to time, as they may desire to progress with their works, to any Judge of a Circuit Court, or Justice of the Peace for Union county, and such Judge or Justice of the Peace shall issue his warrant, directed to the Sheriff or Coroner of Union county, commanding him to summon eighteen jurors of said county, who are no wise related to either party, to appear on or near said lands to be condemned, under said warrant, for said roads, depots, &c., and shall fix a day for the meeting of the jurors, which shall not be less than ten nor more than forty days after issuing the same; and if any of the jurors do not attend, the Sheriff shall forthwith summon as many as may be necessary to fill the panel, out of which number the parties shall select twelve jurors, and, in case the parties fail or refuse to select, or are not present, the Sheriff or Coroner shall select said number of jurors for them; and said jurors, when so selected, shall be charged and sworn by said Sheriff or Coroner, well and truly to assess the damages which said owner or owners of the lands, in such warrant will sustain by the establishment of said roads and depots, required by said company, taking into consideration any benefit which such owner may or have derived from said company; which inquisition shall be signed by all of said jurors, and shall state the width, and, as near as may be, the length of said

May make collateral railroads, acquire right of way through lands—how, and in what manner.

1850.

road or roads, and shall state the quantity of land selected by said company and condemned by them for depots, &c., and describe the same by its metes and bounds; which inquisition shall be returned by said Sheriff or Coroner to the Clerk of the Union Circuit Court, and by said Clerk filed in his office, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown, and, when confirmed, shall be recorded by said Clerk at the cost of said company, but if set aside, the Court shall direct another inquisition to be had in the same manner as above prescribed; and such valuation, when paid or tendered to the owner or owners of the said lands, or deposited with the Clerk of said court, subject to the order of said owner or owners, shall vest the right of way and use and occupation of said lands, for the purposes aforesaid, as fully as if it had been conveyed by said owner or owners to said company; and said valuation, if not received when tendered, may be deposited with the Clerk of said court, and may, at any time thereafter, be received and drawn from said Clerk by said owner, his, her, or their, legal representatives or assigns; and when said valuation shall be so deposited, said company shall have power, by themselves or their agent, to take and hold possession of the lands so as aforesaid condemned, for the purposes aforesaid; and if said inquisition cannot be completed in one day, said Sheriff or Coroner shall have power to adjourn said jury over from day to day until the same shall be completed; and said Sheriff or Coroner shall give the owners, occupiers or tenants of the land, if on the land or in said county, ten days' notice of the time and place when and where the said jury will be empaneled; and if there be no owner, occupier or tenant of said land resident in said county, then said Sheriff or Coroner shall give at least ten days' notice in writing, at the Court House door of said county, of the time and place said jury will be empaneled.

May condemn
lands

Sec. 5. That said company, having leased for a term of years any coal lands, and having mined or worked such lands up to the line of other lands, either owned or leased by them, shall also have power to condemn, as aforesaid, the right of way through the land so worked, to enable them to pass from the land back to their main Railroads running to the river, passing through said land, so worked, through and along the entries and tracks made by them, or over said land, as said company may deem best.

Books to be
opened for stock

Sec. 6. That said company shall cause a book to be opened, subject at all times to the inspection of any member of said company, which shall contain the names of all the members, and the estimated share of stock which each member may now or hereafter own; and the said shares may be transferred on said books in the manner to be pre-

scribed in the by-laws of said company; and each member shall share the profits and be liable for the losses of said company, to the extent of, and in proportion to, the amount of his capital stock owned in said company.

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SEC. 7. That the capital stock of said company shall not exceed one million five hundred thousand dollars, which shall be subscribed for, divided into shares, and paid for, in such manner as said company may prescribe by their by-laws.

Capital stock.

SEC. 8. *Be it further enacted*, That the power to alter, amend or repeal this charter is hereby retained by the Legislature; and nothing in this charter shall be so construed as to prevent any other company or individual from crossing the tracks of said road, or excluding them from landings at the Ohio river.

May repeal,
&c.

Approved March 1, 1850.

CHAPTER 235.

AN ACT for the benefit of John Speed Smith, his wife and children.

Whereas, it is represented that Green Clay, deceased, late of Madison county, in this State, by his last will and testament, decreed to a Trustee, for the use and benefit of John Speed Smith, his wife, and children, (said Smith's wife being the daughter of said Clay,) certain tracts of land in said county; that said John Speed Smith, his wife, and children, are anxious that said land, so decreed to them in said will, should be sold and vested in real estate in Kentucky or Missouri, or in Kentucky State bonds, and that such a disposition of the property would not only be consistent with the intention of the testator, as expressed by him in his life time, but would evidently be for the advantage of those having an interest therein, and meet with the sanction and approbation of the Trustee in said will. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Madison Circuit Court, upon a bill filed for that purpose in the names of said John Speed Smith, wife, and children, to which the Trustee in said will shall be a party, to decree a sale of said lands, upon such credits as said Court may deem most to the interest of the beneficiaries under said will: *Provided*, that the Court shall not decree such a sale, unless it be of opinion, from the affidavits of disinterested persons filed in the case, that it will conduce to the advantage of John Speed Smith, his wife, and children, and unless the Trustee consent thereto.

SEC. 2. Said Court shall have power to convey the title to the purchaser; and it shall be the duty of the Court to appoint some competent person to invest the money, a-

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rising from the sale of said property, in good real estate in Missouri or Kentucky, or in State bonds of Kentucky, under its direction and superintendence, having the title vested in a Trustee or Trustees, to be selected by the Court, for the same uses and purposes under the same conditions and restrictions that the property is now held under the will aforesaid: *Provided*, that in making selection of real estate in Missouri or Kentucky, or investment in Kentucky State bonds, for this purpose, the wishes of the beneficiaries under the will shall be consulted and attended to, so far only, however, as it can be done without prejudice to the interest of the aforesaid children.

Approved March 2, 1850.

CHAPTER 236.

AN ACT to incorporate the South Union Baptist Church of Christian county, and the Christian Church of Hopkinsville.

South Union
Baptist Church.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the South Union Baptist Church, in Christian county, are hereby created a body corporate and politic, and that Gano Henry, R. W. Henry, and W. J. Lander, Trustees thereof, or their successors, shall have full and complete power to sell and convey any lot or lots of ground which may now, or hereafter, belong to said church, and to buy and receive conveyances for any lot or lots of ground necessary as a site for said church, which said lot or lots of ground shall pass to the successors of said church: *Provided*, said lot of ground, so acquired, shall not exceed five acres.

SEC. 2. That the members of said church shall have the power, at any time, to remove the Trustees, or any part of them, and appoint, in case of vacancy by removal, resignation, or in any other way, others in their stead.

Christian Ch.
of Hopkinsville.

SEC. 3. *Be it further enacted*. That John Bryan, Thomas H. Baker, Bartholomew T. Wood, Ben. S. Campbell, and Robert Gwynn, and their successors in office, be and they are hereby created a body corporate and politic, by the name and style of the Trustees of the Christian Church of Hopkinsville, and by that name shall have perpetual succession, and use a common seal, with all powers incident to corporations necessary to protect the rights, titles, property, privileges, and immunities of said church, which now, or may hereafter belong to the same.

SEC. 4. That the said Trustees may at any time, with the assent of the church, expressed according to its rules and discipline, sell and convey any property by them held in trust for said church, and shall apply the proceeds of any such sale in such manner and for such purpose as said church may direct; they may acquire and hold in trust for

said church a lot of ground in said town, or its vicinity, not exceeding four acres, to be used by said church for a burying ground.

1850.

Sec. 5. That the sale of the lot of ground, formerly owned by said church, to Hammil & Sharp, and the purchase of a lot of ground of William E. Price, on which to erect a house for said church, made by Ben. S. Campbell, Coalman Boyd, R. T. Torian, H. H. Coleman, and George Poindexter, commissioners appointed by said church to make said sale and purchase, be and the same are hereby legalized, and declared as effectual, according to the terms, covenants, and conditions of said sale and purchase, as if they had been made by said church by virtue of an act of incorporation; and the Trustees incorporated in this act shall make a deed of conveyance for the lot so sold, and receive a deed for the lot purchased by said commissioners.

Sec. 6. The said Trustees shall appoint a President and Clerk and keep a record of all their proceedings. Any vacancy occurring in the Board of Trustees shall be filled by said church according to the rules and discipline of the same.

Approved March 2, 1850.

CHAPTER 237.

AN ACT to amend and reduce into one the several acts concerning the city of Covington.

ARTICLE ONE.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the present corporate boundaries of said city, and the additional territory included in the following boundary, to-wit: Beginning on the Ohio river, at the western corporation line, the foot of Main street; thence down said river, to a point where a line drawn parallel to and four hundred feet west of the principal part of Wright street, in Ludlow's sub-division, will intersect; thence with said line continued southwardly until it shall intersect Spring street in said sub-division; thence with Spring street to the old line of the Ludlow farm; thence to Quarry street, in Kennedy and Casey's sub-division; thence with said street to Lewis street, in Lewis' sub-division; thence to Montague's street in said sub-division; thence south, thirty degrees east to the Covington and Lexington Turnpike Road; thence eastwardly, with the south line of said Turnpike to the most south eastwardly part of the elbow of the road, at the point of the hill; thence eastwardly to the south west corner of the Linden Cemetery; thence southwardly to Willow street, at a point thirty poles west of the old Bank Lick Road; thence east-

Boundaries of city.

1850.

wardly with Willow street to Bank Lick Road; thence with said road to Wallace's northern line; thence with the same to Licking river; thence down the Licking to the present corporate limits at the foot of Twelfth street—shall hereafter constitute the corporate limits of the city of Covington; and the inhabitants thereof are hereby created a body corporate and politic, with perpetual succession, by the name and style of the city of Covington; and in that name may contract and be contracted with, sue and be sued, in all courts and places, whatsoever; and may have and use a corporate seal, and the same to alter and renew at pleasure; and the said corporation shall have concurrent jurisdiction with the State of Kentucky over the waters of the Ohio, and concurrent jurisdiction with the county of Campbell over the waters of Licking opposite thereto: *Provided*, the lands of Richard Southgate, thus included, shall not be taxed for city purposes, until after the expiration of two years from the passage of this act.

Corporate
powers & privi-
leges.

SEC. 2. The said city shall have, and is hereby vested with all the rights, titles, interests, privileges, power, and authority, which were vested in, possessed and held by the original Trustees of Covington, and their successors, the Mayor and Councilmen, President and Common Council of said city, and said town or city; but the said rights shall be held for the purpose, and subject to the same trusts, as heretofore; that all the streets, roads, lanes, alleys, commons, market spaces, public squares and grounds, and public landings, in said city, be and the same are hereby vested in the city; and where the owner of any land, within said corporation, shall lay out any street, lane, alley, or any ground for public use, and so dedicate the same, it shall immediately vest in the city; and the authorities thereof shall have exclusive control over the same for the public use and good.

City officers.

SEC. 3. The officers of said corporation shall be as follows: Two members of the City Council from each ward; a President of the Council from the city at large; one Trustee of Common Schools from each ward; a Mayor, Marshal, Assessor, Treasurer, and City Attorney, all of whom shall be elected at the charter election by the qualified voters of said city; and shall also consist of a City Clerk, and such other officers as the City Council shall, from time to time, create or establish; and the Clerk and all officers whose offices are created by ordinance, shall be filled by appointment of the Council. The officers elected or appointed shall be subject to removal by the Council, whenever they shall deem the interest of the city requires it: *Provided*, members of the Council, President of the Council, Trustees of Schools, and Mayor, shall not be removed. The City Council shall have power, by appointment, to fill all vacancies that shall occur in any of the offices over which

Council to ap-
point officers.

they have the power of removal; and—when vacancies shall occur in any of the other offices—the Council shall order an election to fill the vacancy.

SEC. 4. The charter election of said city shall be held on the first Saturday in January, in each year. At the first election after the passage of this act, all the elective officers shall be elected, and the free white male citizens of the State, of the age of 21 years or upwards, who have resided in the corporation of said city one year, and in the ward where he shall offer to vote one week next preceding the election, shall be entitled to vote at said election. The officers shall hold their offices as follows: The members of the city Council and President thereof, Marshal and Assessor, two years; Mayor, four years; Trustees of schools, one year; City Clerk, one year; Treasurer and City Attorney, one year. Of the members of the Council elected at the first election, one from each ward shall serve for one year only—which of the two shall be determined by lot—so that at the annual charter election, only one member of the city Council shall be elected from each ward; no person shall be eligible to a seat as member of the city Council until he shall have arrived at the age of twenty-five years, be a citizen of the State, and shall have resided in said city for three years, and ward two months next preceding the election, and be the *bona fide* owner of real estate in said city.

SEC. 5. If from any cause the charter election shall not be held on the said first Saturday in January, the corporation shall not thereby be dissolved, but the Council in office shall order an election, to be held at such time as they shall deem proper, as soon after the regular day as circumstances will admit. The charter election shall be on the same day in all the wards, and the Council shall prescribe the hours between which it shall be holden, and the place; and appoint two or more inspectors, in each ward, to superintend the elections, who shall be qualified voters, and shall, under oath, make their returns to the City Clerk, who shall lay the same before the Council, and carefully preserve the said returns as records in his office. The Council shall be the exclusive judges of the qualifications of all the officers, candidates, and returns of the inspectors; and if from any cause, the officers returned elected, shall not be deemed elected or eligible, or an election shall fail of any particular officer, the Council may order a new one to fill the vacancy, as provided in section 3d. All elections shall be determined by a plurality of votes; and all officers elected or appointed for any ward, shall reside in it, and a removal from it shall vacate their office; and those elected by the city at large, shall vacate their office by removal from the city, or three months continued absence.

SEC. 6. That the city shall have power to purchase, hold,

1850.

Annual charter elections, when to be held

Terms of office of city officers:

If annual election does not take place on proper day, the council to order election.

Inspectors of elections.

City council to judge of qualifications of officers, &c.

1850.

City may purchase, hold and sell real estate, stocks, &c.

sell and convey real estate; within or without the corporate limits, such as shall be deemed necessary for city purposes; also, personal property and stock in corporate companies; and may receive conveyances of ground for the purpose of opening, widening, or extending any street, lane, alley, common, space, square, wharf or landing, or for any other purpose; and donations and subscriptions in money or property to be applied for such purposes.

May borrow money & pledge revenue of city, &c.

SEC. 7. Said corporation may borrow money on the credit thereof, and pledge any revenue for the payment of the interest; and any and all property, rights and credits, for the redemption of the loan, and may issue certificates of stock therefor: *Provided*, no loan shall be made until the voters of the city shall have consented thereto, or a majority of those voting on the question: *And, provided further*, that the interest shall not exceed six per centum per annum, nor the indebtedness of the city at any one time the sum of \$250,000.

OF THE COUNCIL.

ARTICLE TWO.

Legislative & municipal authority, in whom vested, &c.

SEC. 1. The Legislative power and authority of said corporation, together with the municipal and fiscal concerns and affairs thereof, shall be vested in the President and members of the Council, who shall meet together and form one Board under the denomination of the City Council, and their proceedings shall be distinguished as that of "the City Council of Covington;" a majority of all the members, including the President, shall constitute a quorum to do business; and in the election or appointment of officers, passing ordinances, removing officers, and appropriating money, a majority of the whole Board shall concur. They shall hold their regular meetings once in two weeks, or at such other times as the President, or in his absence or inability, any four members may call or to which they may have adjourned in some public place provided for that purpose, and their deliberations shall be public.

Council to keep journal of proceedings, &c.

SEC. 2. The Council shall keep a journal of their proceedings; determine their own rules; compel the attendance of members; may punish them for disorderly conduct, and expel a member by a vote of two thirds of all the members elect, after five days' notice, specifying the charges, and allowing him an opportunity of being heard in defence.

Addition to city declared to be 6th and 7th wards.

SEC. 3. That the addition hereby incorporated in said city, shall, for the time being, constitute the 6th and 7th wards of the city, divided thus: all that portion of the territory thus added, situated east of the turnpike leading towards Lexington, shall constitute the 6th ward; and that portion west of said pike, the 7th ward; and the Council shall, so soon as may be, after the passage of this act, direct an election for two members of the Council, to be held

in each of said wards, the candidates and voters possessing the same qualifications herein before prescribed; except the residence shall be within the territory embraced, instead of the city as heretofore bounded.

1850.

SEC. 4. The Council shall enter into office, and begin the discharge of their duties, on the Thursday succeeding the first Saturday in January, in the year in which they shall be elected, and before they shall commence the duties of their office, shall each be sworn to support the Constitution of the United States, the Constitution of Kentucky, and the charter of the city of Covington, and that they will well and truly discharge the duties of their respective offices as members of the Council of said city, which oath may be administered by the Mayor of said city, or by any other person having lawful authority by the laws of the Commonwealth to administer oaths; and a record shall be made on the records of the Council, that it has been duly administered.

When council to enter into their offices, &c.

Shall take an oath.

SEC. 5. It shall be the duty of the Council to re-arrange and equalize the wards whenever and as often as shall be deemed necessary: *Provided*, an enumeration of the inhabitants shall precede any change in the boundaries of the wards: *And, provided further*, that the wards shall always be as equal in population as practicable.

Shall re-arrange and equalize the wards, &c.

SEC. 6. The Council shall have power to pass all needful by-laws and ordinances, for the due and effectual administration of right and justice in said city, within the jurisdiction of the Mayor's Court, and for the better government thereof. They may legislate upon all subjects which the good government of said city shall require, unless restrained by the terms of the charter, or the constitution of this State, notwithstanding the Legislature may have enacted laws relating to the same; they may affix such penalties for a violation of such ordinances, not exceeding fifty dollars, as they may deem the good order and welfare of the city shall require. All ordinances passed by the Council, and all their proceedings in Council, shall be printed in a newspaper in said city, or otherwise, and circulated.

May pass by-laws and ordinances, &c.

Ordinances to be published.

SEC. 7. The Council shall have full power and authority to cause and procure all the streets and alleys, market spaces and lanes, in said city, to be graded and paved, McAdamized or turnpiked, at the expense and cost of the owners of lots fronting such streets or alleys; and a petition in writing to the said Council, of the owner or owners of the larger part of the ground between the points to be improved, fronting on any street or alley, public square, &c., shall be sufficient to authorize the Council to contract for the grading and paving and McAdamizing or turnpiking the same: *Provided*, that the said Council, by a vote of all the members elect, may cause any street or alley, public

May have streets, alleys, &c., graded and paved.

1850.

Owners of lots
to pay for gra-
ding, paving,
&c.

ground or square in said city, to be graded and paved, or turnpiked at the cost and expense of the owners of the lots, or parts of lots, fronting on such street or alley, &c., without petition or consent; and when the grading, paving, or turnpiking shall be completed, the Council shall apportion the cost and expense equally on the lot owners, according to the feet front. And a lien is hereby given on the lots, or parts of lots, for the same; which costs and expenses may be listed and collected, as other taxes are, by the city Collector, or any special Collector, who shall have authority to sell and convey the lots or parts of lots for the same, according to such by-laws and regulations as shall be adopted by the Council: *Provided however*, that the owner of any lots, or parts of lots, sold for the payment of the costs and expenses of such grading and paving, McAdamizing or turnpiking, as aforesaid, who has not consented in writing for that purpose, shall be allowed five years to redeem the same, by paying to the purchaser of said lot or part of a lot, so sold as aforesaid, the purchase money with fifty per centum interest per annum, and ten per centum interest on all the taxes and levies that may have subsequently accrued; and those who may have consented in writing may redeem at any time within one year, on payment of the like interest: *Provided*, that infants, *femes covert*, and persons of unsound mind, shall have one year to redeem on like terms, after their respective disabilities shall be removed: *Provided*, the Council shall, by a vote of two thirds, have power to pay for the grading of the streets out of the city Treasury.

Lots sold for
paving, &c.,
may be redeem-
ed, &c.

Proviso in fa-
vor of infants,
femes covert,
&c.

Council may
pay for grading
and paving.

Side-walks to
be graded and
paved, &c.

May fill and
level streets, al-
leys, &c.

Owners of
lots, &c., to pay
on property to
be sold, &c.

SEC. 8. The Council shall have power and authority to cause and procure the side walks, in said city, to be graded, curbed, and paved, with stone or brick, and to apportion the cost and expenses among the owners of lots fronting or binding thereon; and a lien is hereby given on the said lots to secure the payment of said costs and expenses, to attach from the time the work is ordered to be put under contract, provided the owners do not have said work done in the manner and within the time prescribed. The Council shall have the like power to cause and procure the streets and alleys, now established, or hereafter to be established, within said city, to be filled, levelled, and graded, for the purpose of carrying off the water, or preparatory to paving or turnpiking, at the costs and expense of the owners of the lots fronting or bounding thereon; and a like lien is hereby given and allowed on said lots and parts of lots, to secure the payment of said costs and expenses, and the costs and expenses accruing under the provisions of this section, shall be listed and collected in like as those for paving and turnpiking; and the collectors shall have like authority to sell and convey the same, as is provided for in the foregoing section; and the said lots or parts of lots shall be liable

to redemption in one year from the day of sale, with fifty per centum interest per annum thereon, securing to infants, *femes covert*, and persons of unsound mind, the right respectively to redeem within one year after the removal of their several disabilities.

1850.

May be re-
doomed, &c.

SEC. 9. Whenever at any time the streets, alleys, or side walks of the said city shall be out of repair, the said Council shall have power to order and direct the same to be repaired at the expense of owners of lots opposite the places where the repairs shall be necessary; and the same lien shall attach; the costs and expenses thereof shall be collected in like manner as is provided in the foregoing section.

May order re-
pairs in streets,
&c.

SEC. 10. The Council shall have power to prescribe, by ordinance, the duties of the officers appointed by them, requiring bond and security for the faithful performance of their duties, from such of them as they may think proper. And all officers of their appointment shall be removable at their pleasure for good cause.

May prescribe
duties of offi-
cers, &c.

SEC. 11. The Council shall have power to pass such ordinances as may be necessary to protect the city from all malignant and contagious diseases, and may, for that purpose appoint a Board of Health, and confer on it all necessary power, whenever in their judgment the interest and safety of the inhabitants of the city may render it necessary and proper; and they may, in their discretion, appoint a Health Officer for the city, and define his powers and duties by ordinance; and they shall provide a pest house, in which they may have persons placed who are infected with said contagious and malignant diseases, subject to such regulations as they may prescribe.

May pass ordi-
nances for pro-
tection against
diseases, &c.

SEC. 12. The Council shall also have power to organize a Fire Department, for the extinguishment of fires that may occur in the city; to provide engines and other apparatus for that purpose, and suitable buildings for the safe keeping of the same; to organize and appoint Fire Companies of able bodied and efficient men, not exceeding one hundred and fifty in each company or association, who shall be exempt from serving on juries, and from doing military service in time of peace, during the period they are attached to said companies or association; and to pass such by-laws and ordinances as may be necessary for the government and regulations of the same, as they may deem expedient; and the said Council shall have power to invest the officers, members, or any portion of said Fire Companies, with police powers, to be exercised during fires, alarms of fire, or going to and returning therefrom: *Provided*, that the Council shall have power to disband any such companies, and deprive them of their engines, apparatus, buildings, or other property, for proper cause. The Council shall also have power to appoint a Chief Engineer for

May organize
a fire departm't,
&c.

May invest of-
ficers with Po-
lice powers.

1850.

May appoint a
Chief Engineer,
&c.

May punish
riots, &c.

Firemen who
serve 12 years,
to be then ex-
empt.

May prohibit
the erection of
wooden build-
ings, &c.

Shall have
power over city
prison.

Shall have a
poor house

May confine
beggars and va-
grants, in poor
house.

May appoint
overseers of the
poor.

said Fire Companies; for such time as they may think expedient, and discharge him at pleasure; and may prescribe his powers and duties. They may also pass all necessary ordinances for the preservation of the peace and safety of the city; to punish all persons for disorderly, riotous or improper conduct, during times of fire, and to impose fines on such as may refuse, when called upon by the proper officers of the companies or associations, to render assistance in the extinguishment of fires: *Provided*, that when a fireman shall have served faithfully for twelve years, and shall receive a certificate of faithful service, ordered by the company, they shall be exempt from serving on juries, and from militia duty in time of peace forever.

SEC. 13. The Council shall also have power, with the concurrence of three fourths thereof, to prohibit the erection of buildings of wood, and to regulate the height of such buildings in any part of the city, if they shall be of opinion that danger would ensue by the construction of such buildings, to valuable and permanent improvements; and they may pass ordinances to enforce the power given by this section, with suitable penalties.

SEC. 14. The Council shall have power over and control of the city prison, and shall regulate the government thereof. The Council shall also have power, and it shall be their duty, to erect or procure a suitable building or buildings for a poor house, watch house, a work house, a house of correction, and a house of refuge, to be regulated and managed by suitable persons, to be appointed by the Council for that purpose; and in apartments distinct from those for the infirm and indigent, provision shall be made for confining common beggars, vagrants, and such other persons as may be sentenced for short periods of confinement, by Justices of the Peace, within the city, or by the Mayor's Court, for breach of the peace or other petty offences; where they shall be employed on such labor, and made to perform such tasks, as shall be directed by ordinances of the Council, in such cases made and provided, and which ordinances they shall have power to pass. Persons committed to the work house, shall be sent there and received by virtue of warrants from the Mayor's Court or Justice, as the case may be, and discharged by the Overseers of the work house at the expiration of the time for which they were sentenced: *Provided* that the length of time of confinement shall be specified in the warrant of commitment. Special Overseers of the Poor may be appointed by the Council, (and in default of their appointment a committee of the Council,) who shall place the poor persons in the poor house at their discretion; but the whole establishment for the benefit of the poor shall be under the immediate care and control of, and subject to frequent visitation by, the Council.

SEC. 15. The Council shall also have power, whenever the public convenience and comfort require it, to prohibit hogs, cattle, horses, and other animals, from running at large in the streets, lanes, alleys, commons, and other public places in the city, and to require and compel the abatement of all nuisances within the city, under such regulations, and in such manner, as may be prescribed by ordinance.

1830.

May prohibit hogs, cattle, &c. from running at large.

SEC. 16. The Council shall have power to provide, by ordinance, for the suppression of tippling houses, bawdy houses, and those of ill-fame; gambling houses, and such other houses as are the common resort of idle, dissolute and disorderly persons; to prohibit all retailers of spirituous liquors without license, by imposing adequate penalties on those who shall retail such liquors without license; and to punish, by imposing similar penalties on all riots, disorders, and clamors in the streets and public places, breaches of of the peace and disturbances of the public tranquility, and indecent and licentious conduct.

May suppress tippling houses, and houses of ill fame.

SEC. 17. The Council shall have power to erect one or more suitable buildings for powder magazines; to provide suitable carriages for the conveyance of gun powder, and to pass ordinances to prohibit the introduction of gun powder into the city, and other explosive compounds, and the keeping and sale thereof without license: *Provided*, that the Council shall have power to license, tax and regulate the keeping and sale thereof. They shall also have power to impose fines upon persons who shall sell gun powder to children under sixteen years of age and negroes.

May erect powder magazines.

May prohibit sale of powder, &c., without license, &c.

SEC. 18. The Council shall have also the exclusive power to construct and bargain, and contract for the construction of gas and water works, within said city, and pass all necessary ordinances to regulate the same, and provide for lighting the city with oil or gas, or otherwise, and for furnishing it with water.

Shall have exclusive power to erect Gas works, &c.

SEC. 19. The Council shall have exclusive power to establish and regulate markets and market spaces, wharves and docks, and to fix the rates of wharfage and other fees for the use thereof; they shall also have exclusive power to establish and regulate the grades of all wharves and landings; all banks of the rivers Ohio and Licking, within the corporate limits, and all sidewalks, streets, alleys, lanes, spaces and commons of the city. They shall have also the exclusive control of the streets, sidewalks, lanes, alleys, market spaces and other public grounds within the corporate limits, and shall cause the same to be kept clean and in repair.

Shall have exclusive power to regulate markets, wharfs, &c.

OF THE CITY MARSHAL AND OTHER OFFICERS OF THE CITY.

ARTICLE THREE.

SEC. 1. The City Marshal, if required by the Council, shall have a resident Deputy in each ward in said city,

City Marshal's duties, &c., may have deputies.

1850.

May be chosen
collector, shall
give bond.

whose appointment shall be made with the advice and consent of the Council. He shall, by himself, or deputies, attend all the sessions of the Council, together with those of the Mayor's Court, and preserve and enforce order under their and his direction. He shall, by himself or deputies, execute all processes emanating from the Mayor or the Mayor's Court; he shall have the power of Sheriffs in levying executions and executing and returning process, within the jurisdiction of the Mayor's Court; he shall have the same power to serve notices in writing that Constables in the county of Kenton by law have, and for any purpose that Constables have authority to do; and his return thereon, either to the Circuit Court or the Mayor's Court, shall be sufficient evidence of such service; he shall collect the fees of the Mayor and City Clerk, if required by them; he shall be a conservator of the peace of said city; he may be chosen City Collector; he shall give bond and sufficient security in an adequate penalty before the Council, to the Commonwealth of Kentucky, with a condition faithfully to perform the duties of his office, to collect and pay over to the persons entitled thereto, all sums of money entrusted to him for collection, and which may have come into his hands by his having received and collected the same. A lien shall exist, and is hereby granted and given, on the real estate and slaves of the said Marshal and his securities, from the time of executing bond as aforesaid, to secure the payment of all moneys that shall have been received and collected by him, or which shall otherwise come to his hands as Marshal of said city, to pay and account for, and for any official liability; and a similar lien shall exist, and is hereby granted and given, on the real estate and slaves of the said Marshal and his securities, from the time of executing bond as City Collector, should he be chosen Collector, to secure the payment of all sums collected by him, or which may otherwise come to his hands as Collector of said city. He shall be entitled to charge and receive the same fees, for the like services, which Sheriffs are by law entitled to receive; and shall have the same powers, within the limits of the Mayor's jurisdiction, to collect the same. He and his sureties shall be liable to judgment by motion in the Mayor's Court, in favor of any person entitled to moneys collected by him in the same manner, and subject to the same costs and damages, that Sheriffs are liable for by existing laws; and when he shall receive and collect moneys as City Collector, he and his sureties in his bond as Collector, shall be liable to judgment, by motion, in either of the aforesaid Courts, for failing to pay over to the city of Covington, or to the persons entitled thereto, all moneys entrusted to him to be collected, and actually received and collected by him as Collector, with ten per centum damages and costs of the

motion. Five days' notice of the time and place of making such motions shall be sufficient; and there shall be no replevin, or valuation of property, on executions issuing on such judgment.

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Sec. 2. There shall be a city Treasurer, who shall be elected by the qualified electors of the city, at the time and places of electing members of the city Council, and shall hold his office for one year. Before entering upon the discharge of the duties of his office, he shall give bond to the said city, in such form and amount, and with such securities, as the Council may direct and approve; which bond shall be filed with the city Clerk. He shall have charge of the Treasury and fiscal concerns of the city. It shall be his duty to receive all moneys of the city, but he shall not pay out or expend the same, in anywise, except upon the order of the Council; which order shall specify for what purpose the same is to be paid. He shall, at all times, have and keep a careful and correct account of all receipts and expenditures of the Treasury as the Council may direct, which accounts shall always be open to the inspection and examination of the Council or its proper committee; and shall report the amount of moneys in the Treasury, to the Council, at the first meeting in each month; and he shall exhibit to the Council, on the 15th day of December in each year, a full statement of the receipts and expenditures of the city, since his last annual report, and of the state and condition, for the time being, of the Treasury and fiscal concerns of the city. He shall perform all such other duties appertaining to his office, as the Council may ordain; and for his services, shall receive such a compensation or salary as may be provided by ordinance. He may be removed from office, for good cause, by a vote of two thirds of the whole number of the Council, and the Council shall have power to supply the vacancy occasioned by his removal from office, death, resignation, absence from the State or other cause.

City Treasurer to be elected.

Shall give bond, &c.

His duties, &c.

Shall make annual report, &c.

His salary.

Sec. 3. There shall be one or more commissioners of streets, as the Council may ordain. It shall be their duty, subject to the direction of the Council, and in conformity with the ordinances of the city, to enforce all ordinances and regulations relating to the cleaning and lighting of the streets, and generally to perform all such duties, and exercise all such powers, as the Council may ordain; and for their services shall receive a compensation to be fixed and regulated by the Council.

Commissioners of streets—their duties, &c.

Compensation.

Sec. 4. There shall be a Clerk of markets, with one or more assistants, as the Council may ordain. It shall be their duty to enforce all ordinances and regulations of the Council, in relation to the market houses and places of the city, and generally to perform such other duties, not inconsistent therewith, as the Council may ordain; and for their

Clerk of the markets and assistants, their duties, &c.

1850.

services shall receive a compensation to be fixed and regulated by the Council. The said Superintendent shall hold his office during such time as the Council shall ordain.

Wharf master
and their assist-
ants, their du-
ties, &c.

SEC. 5. There shall be a Wharf Master, with one or more assistants, as the Council may ordain. It shall be their duty to enforce all ordinances and regulations relating to the wharves and landing places within the city, and generally to perform all such duties, not inconsistent therewith, as the Council may direct; and for their services they shall receive a compensation to be fixed and regulated by the Council. The said Wharf Master shall hold his office during such time as the Council shall ordain.

Compensation.

City Physician
and keepers of
the poor house;
port wardens,
their duties, &c.

SEC. 6. There shall be a city Physician, one or more Keepers of the Poor House; and when, in the opinion of the Council, the interest of the city shall render it necessary and proper, one or more port wardens, and a city engineer, and shall hold their respective offices one year—shall be appointed and qualified, and shall perform such duties and exercise such powers, and receive such compensation as the Council shall ordain.

Compensation.

Inspectors of
beef, pork, lard,
&c.

SEC. 7. There shall be appointed one or more inspectors of beef, pork, lard, butter, fish, salt, flour, meal, biscuit, feathers, tobacco, leather, and other products; one or more inspectors and guagers of foreign and domestic spirits, malt liquors, molasses, linseed and other oils, and one or more measurers or weighers of wood, coal, lime, hay, and the like, who shall have the sole and exclusive license to exercise the functions of their respective offices, within the limits of said city. Before entering upon the duties of their offices, they shall each give bond to the city of Covington, in such form and amount, and with such security, as the Council shall require; which bonds shall be filed with the city Clerk. The said officers when appointed and qualified, shall perform their duties respectively in said city, in the same manner, and subject to the same regulations and penalties as are or may be required and provided for like officers by the law of the Commonwealth, or as in the absence or for want of such laws, may be ordained by the city Council of said city. Their fees shall be regulated by the Council.

Measurers,
weighers, of
wood, coal, &c.

To give bond.

Their duties.
&c.

Their fees.

THE POLICE.

ARTICLE FOUR.

Marshal to be
chief of Police.

SEC. 1. The City Marshal shall be the chief of the Police; and there shall be in said city such Policemen and Watchmen as the Council may, from time to time, ordain. It shall be the duty of the chief of the Police, and his assistants, and of said Policemen and Watchmen, under the direction of the Mayor or the President of the Council, and in conformity with the ordinances of said city, to suppress all riots, routs, unlawful assemblies, disturbances and breach-

Policemen &
watchmen, their
duties.

es of the peace. It shall also be their duty, and they shall have the power to apprehend all felons, common gamblers, rioters, breakers or disturbers of the peace, night walkers, vagrants, persons of evil fame and of disorderly and riotous conduct; and all such persons may be apprehended without warrant, by the said Police officer, or any of them, and may be taken, with such evidence as they may possess, before the Mayor's Court or some Justice of the Peace, to be dealt with according to law; and if such apprehension shall be in the night, then to the Watch House for safe keeping until morning. They shall also have the power and perform the duties of patrollers. They shall have authority to pursue, arrest, with proper warrant, any person or persons fleeing from justice in any part of the State of Kentucky; to apprehend without warrant, any and all persons in the act of committing any offence against the laws of the State, or the ordinances of the city, and forthwith bring such person or persons before the proper authority for examination; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations, for the preservation of the peace, good order, and welfare of the city, as the City Council may ordain; and for such purpose they shall have all the power of Constables; they shall be paid for their services such compensation as the Council shall, from time to time, ordain.

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Compensation.

OF TAXATION.

ARTICLE FIVE.

SEC. 1. The City Council shall have power to assess and collect taxes on such real and personal estate in said city as they may designate, not exceeding forty cents. on each one hundred dollars valuation for revenue purposes, and one dollar and fifty cents for each tythe; but such taxes shall be uniform on every description of property assessed by them: *Provided*, that buildings for churches, public school houses, colleges, and the grounds attached thereto, and dedicated solely for the use thereof; cemeteries and machinery, of manufactures, shall be exempt from taxation. They shall take in and make a list of all taxable inhabitants within said city, separately, in each ward, and affix against the name of each inhabitant the amount of his, her, or their real estate in said city, with a proper description by number or situation; and also, the true and just value of such real estate, together with the personal estate of each of said inhabitants, whether it shall consist of goods, stocks, manufactures, or other property that may be designated for taxation by the Council; which list may be required to be made by the party, verified by his or her oath; or if the party refuse to give in a list and swear to the same, the value shall be assessed by the Assessor, from the best information he may possess. The compensation of

Council shall have power to levy and collect taxes, &c.

Taxable inhabitants to be listed, &c.

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Assessor, his
compensation &
duties.

Books of as-
sessment to be
returned by 15th
March.

City Clerk to
make out tax
bills, &c.

Tax bills to
be delivered to
Treasurer, &c.

Treasurer to
publish notice of
bills being in his
hands.

Treasurer to
give receipts,
&c.

Delinquents.

Clerk's duty.

Collector's du-
ty.

the Assessor shall be fixed by the Council, so that it shall not exceed six cents per list. The Assessor shall take a list of all white children in said city between the ages of five and sixteen years, distinguishing between the male and female.

SEC. 2. The books of assessment for the revenue taxes of said city, shall hereafter be returned to the city Council by the Assessor on or before the 15th day of March in each year; and immediately after the said assessment shall be received and approved by the Board, the city Clerk shall make out a tax bill against each person assessed with taxes, specifying thereon each item of taxation, the value thereof, and the tax imposed; and where taxes are levied upon property belonging to persons unknown, then a separate bill shall be made out for each species of property taxed; all of which shall be signed by the Clerk officially, and shall be delivered by him to the city Treasurer, within thirty days after the same are ordered to be made out by said Board, taking the receipt of the Treasurer for the gross amount of taxes contained in said bills. The Treasurer, upon receiving such bills, shall give public notice in the newspapers of said city, and by posting up notices in each ward, that the tax bills for the taxes of the current year are in his hands, and that payment of the taxes is required to be made on or before the first day of June thereafter; after which period there shall be added fifteen per centum to the taxes contained in the tax bills then unpaid. The Treasurer shall deliver the tax bill to the person paying the tax, endorsing thereon, "Received pay," and sign his name officially to the receipt. Within five days after the said first day of June, the Treasurer shall endorse the remaining tax bills, if any in his hands, "Delinquent," sign his name as aforesaid, and return them to the city Clerk, who shall thereupon enter a credit for the same upon the Treasurer's receipt, and immediately add to said tax bills fifteen per centum, and place the same into the hands of the Collector of the city for collection, taking a receipt for the amount thereof. Upon the reception of said bills, the Collector shall forthwith proceed to the collection of the taxes therein specified, from the person or persons owing the same; and for that purpose, he shall be and is hereby authorized to distrain upon all personal property which he may find in said city belonging to the delinquent, or so much as may be necessary to pay the amount of the taxes due, the per centum and the costs, and dispose of the same by sale, in the same manner that Sheriffs are authorized to do in collecting the county levy; and no personal property shall be exempt from said distress. In case no personal property can be found by the Collector, he shall then proceed to advertise and sell the real estate of the delinquent, in the manner that Sheriffs are authorized to do, in advertising and selling real estate by virtue of an execution, except

that there shall be no valuation, and the estate shall be sold in front of the public square in said city; and within six days thereafter, the Collector shall make a full return of said sale, specifying therein a proper description of the property, the names of the owners, when known, and purchasers, the amount sold, and the time when sold, together with a copy of the advertisement, to the city Clerk, who shall record the same in a book kept for that purpose, and file away and carefully preserve the said proceedings among the papers of his office. The owners may have a right to redeem the real estate which may be thus sold by the Collector, at any time within three years, by paying or tendering to the purchaser the amount of his purchase money, together with all taxes and levies which have been subsequently levied thereon, and fifty per centum, and after the first year fifty per centum per annum; and when the purchaser shall not be a resident of the city, or cannot be found, it shall be lawful for the city Treasurer to receive the money for which the estate proposed to be redeemed was sold, adding the per cent. assessed thereon; which shall be as effectual in redeeming the property, as if it had been paid to purchaser. Upon the production of the certificate of sale, by the purchaser or his assigns, the Treasurer shall pay over the said money to him, taking a receipt for the same on the back thereof, which shall be handed over to the city Clerk, to be recorded in the same book in which the sales are recorded. The Collector, or his successor, shall make the deed to the purchaser of any real estate sold for the taxes, which shall pass the title, unless the same shall have been redeemed; for such deed he shall be allowed two dollars, to be paid by the purchaser. For the collection of taxes, the Collector shall be allowed seven per centum, to be paid by the city, and twenty-five cents for each levy on personal property, and twenty-five cents for each certificate of sale of real estate; both fees to be taxed as costs, and added to the tax bills. For insuring the payment of the taxes of said city, a lien shall exist, and is hereby given, upon all property assessed, real and personal, from the first day of January, in each year, until payment thereof; which shall not be invalidated or affected by subsequent incumbrances, transfers or sales.

Sec. 3. It shall be the duty of the Collector to pay over the taxes, as fast as collected, to the Treasurer, and to make a full return of said taxes to, and settlement thereof with the Council, on or before the first Monday of August in each year. He shall make out a list of such persons and property as he finds, after due efforts to collect the taxes, they cannot be collected from, and return the same upon oath, to the Council, which shall exempt him from all liability for failing to collect the same: *Provided*, that said delinquent list shall be made out by him and returned after

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Clerk.

Treasurer

Collector to
make deed to
property sold
for taxes.

Collector to
pay over taxes
collected, to
Treasurer.

Shall make out
delinquent list.

1850. the 15th of July, and before the said first Monday in August.

Penalty for
failure of col-
lector to settle
&c.

SEC. 4. If the Collector shall fail to make returns and settlement, as aforesaid, of all the taxes which are in his hands, on or before the said first Monday in August, he and his securities shall be liable, severally as well as jointly, to judgment upon motion in the Mayor's Court of said city, for the amount of taxes in said tax bills contained, which shall not have been paid over to the Treasurer, and unaccounted for to the Council, together with per centum damages thereon; and within ten days after the rendition of said judgment, if the same shall not sooner be paid, the Mayor shall issue execution against the estate of the Collector and his sureties, or those of them against whom the judgment shall be rendered, directed to the Sheriff of Kenton county or any other county, who shall proceed thereon in the same manner, and be liable to the same penalties as if the execution had issued from the Clerk's office of the Circuit Court. The said execution shall be endorsed, "no security of any kind to be taken," and the Sheriff shall be governed accordingly. There shall be no valuation of property levied upon by said execution, such as is now provided by law in other cases. Five days' notice of said motion shall be given to the Collector and his sureties to authorize judgment; and if the notice be returned not found as to the Collector or any of his sureties, the same may abate as to him or them, or it may be continued to any particular day for service; and so from time to time; and when fully served, then the suit shall proceed against all. But if at any stage of the proceedings, it shall be deemed advisable, the suit may abate as to any one or more of the parties, not served with notice, and the case may proceed against those upon whom the notice has been served. An abatement as to any of the parties, shall not operate to discharge them or any of them from their liability. The right to appeal or prosecute a writ of error from said judgment, is hereby allowed to the parties, to the Kenton Circuit Court, as in other cases from the Mayor's Court, and the aggrieved party may also prosecute an appeal or writ of error to the Court of Appeals in the same manner, and subject to the same damages and costs, as is provided by law in other cases.

Delinquent list
to be placed in
the collector's
hands from time
to time.

SEC. 5. It shall be lawful for the Council to place the delinquent lists or tax bills, from time to time, in the hands of the Collector, until they shall be collected; and the right of distress shall remain, if the same lists or tax bills are sent out at least once in each year; and the Collector shall be liable for failing to collect and account for delinquent lists or bills, in like manner as for original tax bills placed in his hands. Deputy Collectors shall have the same powers to act in any case, or to perform any duty

appertaining to the office, as their principal; the principal Collector being liable for the acts and doings of his deputies in the same manner, and subject to the same action as though he had himself acted in person.

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SEC. 6. If the Collector shall fail to pay over to the City Treasurer any money in his hands, belonging to the said city, whether received for taxes, fines, forfeitures, dues, debts, or on any other account, for the space of ten days after receiving the same, he and his sureties, or any or either one or more of them may be proceeded against for the amount, by motion in the Mayor's Court, in like manner as is provided in section four.

Penalty for failure of collector to pay over fines, &c.

SEC. 7. If the Assessor, Clerk, or Treasurer, shall fail to do the duty herein assigned to them, at the respective times directed, without good cause shown, they shall severally forfeit and pay five dollars for every day they shall remain delinquent, to be recovered by suit in the Mayor's Court, for the use of the city.

Assessor, Clerk and Treasurer, penalty for failing to perform duty.

SEC. 8. The Council shall also have power to provide for the taxing of any store, grocery, or any retail establishment which may be commenced or opened at any time subsequent to the day fixed for the annual assessment, or which may have been omitted in such annual assessment; as also all pedlars, except pedlars of bread. They shall also have power to tax auctioneers in said city, (in addition to the taxes imposed by law,) not exceeding one fourth of one per centum upon all public sales of goods, wares and merchandise, not the produce or manufacture of Kentucky; and to require them to take out license, with such requisitions and restrictions as may be necessary to enforce said tax; but no tax shall be required upon sales of estates of decedents, or of property sold under executions or decrees.

Council may tax stores, &c., opened after list is taken, &c.

May tax pedlars, auctioneers, &c.

SEC. 9. The Council shall also have the power to tax, and the exclusive right to license all taverns, houses of private entertainment, coffee houses, retailers, victualers, confectioners, and houses of public resort, and ten pin alleys, houses of ill fame, and for gambling excepted: *Provided*, that the State tax on retailers and ten pin alleys or bowling alleys, shall be paid over to the Clerk of the Kenton County Court, in the same manner that tax on tavern licenses are directed to be paid.

May tax and license taverns, coffee houses, &c.

SEC. 10. The Council shall have the power to license and tax all exchange, loan, and broker's offices, agencies of Insurance offices, pawnbrokers, hucksters; also to license, tax, and regulate all carts, wagons, drays, hackney coaches, carriages, and other vehicles kept and used for hire in said city, and the sale of horses, cattle, and other animals at auction.

May tax Exchange and Brokers' offices, &c.

SEC. 11. They shall also have the power to tax dogs, and other domestic animals, in any sum not exceeding ten dollars on each dog or other domestic animal.

May tax dogs and other animals.

1850.

May tax shows
and other theat-
rical perform-
ances, &c.

SEC. 12. They shall also have the exclusive power to tax and license all shows, exhibitions, theatrical performances, lectures, concerts, and all places of public amusements, where money is charged for admission to the same, such sum as the Council shall deem proper: *Provided*, that lectures of resident professors shall not be taxed. No county levy shall be collected of the inhabitants of said city.

May establish
wharves and
wharfage.

SEC. 13. The Council shall have power to establish wharves, and a general system of wharfage in said city, on the Ohio and Licking rivers; to pass ordinances regulating said wharves, and defining and prescribing the duties and powers of Wharf Masters, and the mode of collecting wharfage, the rates of which they are hereby authorized to establish, and from time to time to regulate and adjust. They shall have full power and authority to pass all ordinances regulating the manner in which boats and rafts shall lay at said wharves; and to prevent steam, and other boats and water crafts from obstructing the passage and channel of the Ohio and Licking rivers, by anchoring, or lying out in the streams, so as to prevent a free and open passage of all boats, crafts, and rafts; and to impose adequate penalties for infraction of such ordinances.

JUDICIAL DEPARTMENT.

ARTICLE SIX.

Mayor's court,
&c.

SEC. 1. The Mayor of said city shall hold a court therein, in such place as the Council shall provide, which shall be styled and called the "Mayor's Court of Covington," and is hereby declared to be a court of record; and shall be provided with and have a seal; and copies or transcripts from the records of the proceedings of said court, signed and sealed by the Mayor, shall be evidence in all courts and places whatever.

Mayor's juris-
diction defined.

SEC. 2. The said court shall have exclusive original jurisdiction of all causes arising from violations and breaches of the ordinances and laws of said city; and concurrent jurisdiction with the Circuit Courts, in all criminal cases accruing in said city, except felony; and in civil cases, where the amount in controversy shall not exceed fifty dollars; and the same jurisdiction as Justices of the Peace; and the power and authority of two Justices of the Peace in holding examining courts, enquiring into charges of felony, and committing and recognizing offenders under said charges, and in granting and hearing and receiving return of writs of injunction, ne exeat, attachments, and habeas corpus. The jurisdiction of said court shall extend over the territory of the city, and adjacent thereto, to the extent of one mile outside the corporation. Said court shall also have jurisdiction in cases of idiocy, lunacy, vagrancy, and may bind out orphan children, and hear and redress their complaints, as also the children of such persons as are disquali-

fied, from their circumstances and habits of life, to train them up in a proper manner.

SEC. 3. The said Court may award all such process, original mesne and final, as may be deemed necessary and proper, in the due and efficient administration of justice in said jurisdiction; all original process shall be directed to and executed by the city Marshal, or some of his deputies; and mesne and final process may be issued and directed to said Marshal or any Sheriff or Constable in any part of this Commonwealth without the corporation, which officers shall receive and execute the said writs, and make returns under the same rules and liabilities, they are required to do of like process from the Circuit Court and Justices of the Peace.

1850.
May issue original mesne and final process, &c.

SEC. 4. That said Court shall have exclusive original jurisdiction, in all cases where the city Council shall proceed to condemn land or materials for the opening, extending and widening streets, lanes, alleys, commons, wharves, landings, market spaces, public squares, &c., who shall have power and authority to award the writ of *ad quod damnum*, and adjudicate upon the same. Whenever the city Council shall intend and determine to condemn land and materials, for purposes aforesaid, they shall direct a petition in the name of the city, to be filed in said Court, setting forth a particular description of the land or materials to be condemned, for what purpose, and the name of the owner or owners thereof; upon the filing of which, the Court shall award the summons to the proprietors, if living in the city or county, and if in the county to the Sheriff; and when the proprietor shall not live in the city or county, then notice to his or her agent shall be given, if he have one known to the authorities as such; or an order of warning shall be entered up by said Court against him or them, and a copy of which shall be advertised for at least two weeks in some newspaper printed in said city; upon the process being executed, or order of warning published, as aforesaid—which shall be certified by the editor of the paper in which it shall have been inserted, the Court shall, if any owner of the land or materials require it, award a writ of *ad quod damnum*, directed to the city Marshal, who shall summon twelve lawful jurors of the Commonwealth to appear before the said Court on the day fixed in the writ; at which time also the owners requiring it shall proceed to prove, by competent testimony, the damages which he or they will sustain by the condemnation prayed for; and the jury shall assess the amount which they shall deem right, taking into consideration the advantages and disadvantages which the owners may derive from the condemning of his land or materials; and the Court shall enter judgment against the city therefor, unless the city shall give notice to the Court in thirty days that

Shall have exclusive jurisdiction where city council shall open streets, &c.

1850.

the opening of the street is abandoned; in which case judgment shall only be rendered against the city for costs. The parties shall have the right of challenge as in civil cases, and the panel shall be filled from bystanders. The Court shall rule all questions of law arising upon the trial; may grant a continuance to a particular day from time to time, upon good cause shown, and may award a new trial; should the city or owner be dissatisfied with the verdict and judgment, an appeal may be taken to the Circuit Court, where it shall be tried *de novo*; from whence the cause may be taken to the Appellate Court, as other civil causes are taken.

Mayor's court shall always be open, may set causes for particular days.

May summon grand jury.

SEC. 5. The said Court shall always be open for the trial of causes and hearing complaints; and may set causes for any particular day, and make process returnable to any day therein named (or forthwith when the nature of the case may require it) and shall cause to be summoned, at least quarter annually, a grand jury, who shall enquire into and present or report bills of indictment upon all matters which shall come to their knowledge of which said Court has jurisdiction, and is the proper subject matter of presentment or indictment; and the Court shall dispose thereof in the same manner as the Circuit Court.

Fines for disturbing worship, assessed, &c.

SEC. 6. Fines for disturbing religious worship, riots, routs, unlawful assemblies and breaches of the peace, may be assessed by a jury in said Court, to one hundred dollars; and all fines assessed in said Court, and by Justices of the Peace in said city, shall be for the use of said city; as also all forfeitures and penalties recovered on recognizances and penal bonds taken in the Mayor's Court.

Appeals from Mayor's court allowed.

SEC. 7. Appeals from the Mayor's Court, to the Circuit Court, shall be allowed in all cases where the same jurisdiction is exercised as by Justices of the Peace; and where appeals would be from Justices; and also in all civil causes over the jurisdiction of a Justice of the Peace.

Mayor to receive annual salary.

Mayor's fees.

May issue fee bills

SEC. 8. The Mayor shall receive an annual salary of five hundred dollars, payable quarterly out of the city treasury, and such fees as are allowed to Justices of the Peace, where he performs the duties of Justice of the Peace; and in other cases, the same as Clerks of Courts, and such as the Council may provide. He shall have the same power to issue fee bills as Clerks of the Courts, except his fees shall be considered due so soon as the services are rendered.

May take acknowledgment of deeds, &c.

Fees, &c.

+

SEC. 9. The Mayor of said city shall have the same power and authority to take the acknowledgments of deeds and powers of attorney, and to take the privy examination of *femes covert*, and certify the same, that the Clerks of the several County Courts have within this Commonwealth; and his certificate shall authorize the recording thereof, in like manner; and he shall have and be entitled to receive a fee of fifty cents for each certificate so made; he shall

also have power and authority to examine witnesses under didimusses from any Courts, whether of this or any of the United States, or foreign country, and shall be entitled to receive a fee of one dollar for each witness examined. And in all cases where he shall affix the seal of the corporation to any document by request, he shall be entitled to receive the sum of fifty cents. He shall also have power and authority to take depositions in said city in all other cases where Justices of the Peace are now authorized to take the same: *Provided*, that said Mayor, for the performance of such duties, and the exercise of such powers, as come within the jurisdiction of the Justices of the Peace for the county of Kenton, shall be entitled to demand, and receive the same fees, and no more, as are allowed by law to Justices of the Peace, except where they are hereinafter differently provided for; and he shall in no case demand or have any fee for any service rendered said city, except the annual salary herein provided for. And he shall have the right to issue fee bills, and collect them in like manner as Justices of the Peace now have. The said Mayor's Court shall have the power to take recognizances for appearance in said Court on any day named therein, in all cases cognizable in said court; as also recognizances in cases of felony, which shall be for appearance in the Circuit Court. Recognizances to keep the peace and be of good behavior shall be for one year. Forfeitures for any recognizances for appearance in said court may be enforced in said court, and the penalty collected in the same manner as in Circuit Courts.

1850.

May examine witnesses, &c.

Fees, &c.

May take depositions.

Fees, &c.

May issue fee bills.

May take recognizances of witnesses, &c.

COMMON SCHOOLS.

ARTICLE SEVEN.

SEC. 1. The city of Covington is hereby authorized and directed to establish, support and maintain a system of Common Schools; and the Council is hereby empowered to provide for the erection of as many school houses, and the maintenance of as many schools, as may be necessary to afford to all the white children in said city the advantages of a Common School education.

Common Schools to be established, &c.

SEC. 2. It shall be the duty of the Council to divide the city into School Districts; in each of which Districts there shall be as many school houses as may be necessary to accommodate all the children in said District; and it shall be competent for the Council to alter the same, without reference to the boundaries of wards, as may best advance the interest of said schools.

Council to divide city into school districts, build school houses, &c.

SEC. 3. The Council shall fix, by ordinance, the commencement and termination of the current year for said schools, which shall be the same throughout all the schools in the city; and the Council shall appoint, from their own body, a committee, whose duty it shall be, from time to

Shall fix commencement and of scholastic year.

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time, to visit said schools, and attend all examinations thereof, which examination shall take place at the close of the current year.

Schools to be
equally free to
all.

SEC. 4. The Common Schools of each District shall, at all times, be equally free and accessible to all white children who reside in said District, of the ages prescribed by the acts of the General Assembly of Kentucky, in such respect made and provided.

Organization
of school Trust-
tees.

SEC. 5. The School Trustees shall organize, by electing one of their members Chairman, who shall preside at the meetings of the Board; whose duty it shall be to sign the minutes and orders. The City Clerk shall attend the meeting of the Board, record their proceedings, and attest their orders, and carefully preserve their records and papers in his office. The Trustees shall have power to employ teachers, and discharge them at pleasure; provide for, regulate and manage the schools, and appropriate money to defray the expenses of the same out of the school fund. Nevertheless, the said schools shall be subject to such control as the Council shall, by ordinance, prescribe.

Trustees to
employ teachers
&c.

Council may
appoint board of
examiners, to
examine teach-
ers, &c.

SEC. 6. The Council shall have power to appoint a Board of Examiners, to examine teachers applying to be employed in said schools; and shall, by ordinance, prescribe their duties. No person shall be employed as teacher in said schools, until he or she shall have first obtained, from the Board of Examiners, a certificate of his or her qualifications to instruct in such branches as they may propose or be required to teach.

Branches to
be taught.

May establish
a high school.

SEC. 7. The usual branches of a common English education shall only be taught in said schools; and whenever it may become necessary and proper to establish a central or high school, the Board of Trustees may do so; and in said high school, such languages and branches of a liberal education may be taught as the Trustees may prescribe. No pupil shall be admitted into the high school, except he or she shall have attended the Common School, and passed such examination as shall satisfy the Trustees of his or her qualifications therefor.

School tax
fixed.

SEC. 8. That for the permanent fund for schools in said city, a tax of one mill upon the dollar of the valuation of the taxable property in said city, to be levied and collected with the revenue tax and capitation tax; and the fund received annually from the State, and such other sources as the Council may designate, shall be and is hereby irrevocably set apart and dedicated for school purposes; and the Treasurer shall keep a separate account therefor, and only pay it out upon the order of the school trustees.

PRESIDENT OF THE COUNCIL.

ARTICLE EIGHT.

SEC. 1. The President of the Council shall be the chief

executive of the city; and it shall be his duty to take care that the by-laws and ordinances of the city be duly executed and enforced.

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SEC. 2. He shall keep the public seal of the city, and shall, from time to time, communicate to the Council such information, and recommend such measures, as in his opinion may tend to the improvement of the finances, police, health, cleanliness, comfort, ornament, and security of said city.

Shall keep city seal, &c.

SEC. 3. He shall preside at all deliberations of the Board, sign the journal of their proceedings, all orders, bonds, contracts, and conveyances on behalf said city, when directed by the Council. And during the absence or inability of the President, the Council shall appoint one of their own body President, pro tempore, who shall perform the duties of President until the President shall resume his office.

Shall preside at meetings of board, sign journal, orders, &c.

MISCELLANEOUS PROVISIONS.

ARTICLE NINE.

SEC. 1. The validity of the ordinances shall be tried by a writ of prohibition from the Circuit Court, which may be granted by any Circuit Judge, out of term, or by the court having jurisdiction over said city; and each party shall have the right to appeal or prosecute a writ of error to the Court of Appeals.

Validity of ordinances—how tried.

SEC. 2. If the President or any member of the Council shall become interested, directly or indirectly, in any contract with the city, his or their seat shall be thereby vacated, and shall be so declared by the Council, and entered on their journal; and the contract shall be held and considered a nullity; and in the event of the City Clerk, Treasurer, City Attorney, or Street Commissioner being so interested, he shall forthwith be removed from office, and the contract shall be held and considered void.

President and councilmen and officers not to become interested in any contract, &c.

SEC. 3. The Council may remit fines and penalties and forfeitures, for good cause shown, which may be imposed, adjudged or assessed, or incurred against or by any person or persons, or any part thereof, at their discretion: *Provided*, this power shall not extend to the remissions only of such interest as the city has therein: *Provided further*, that three fourths of the members of the Council shall vote therefor.

Council may remit fines, &c.

SEC. 4. No money shall be drawn from the Treasury, unless first appropriated by the Council, except out of the school fund; in which case it shall first be appropriated by the School Trustees. And no appropriation of money shall be made, to be paid out of the Treasury, unless the money shall actually be in the Treasury to meet the draft. And if any appropriation shall be made, and there shall not be money in the Treasury at the time of making said appropriation, to pay the same, the members of the Council voting therefor shall be individually liable, to any party

No money to be drawn from Treasury until appropriated.

No appropriation unless money is in the Treasury.

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injured, for the amount of damage sustained in consequence thereof.

Councilmen
may be paid for
services.

SEC. 5. A reasonable compensation may be made to the members of the Council, which shall be equal, except as to the President, and payable quarterly out of the Treasury: *Provided*, no Board shall fix their own salary, who are in office when the ordinance allowing the same shall pass.

Bonds to be
required of off-
cers.

SEC. 6. Bonds may be required from such officers as the Council shall direct, and all shall be payable to the city, except that of the Marshal, which shall be made payable to the Commonwealth; and suits may be prosecuted for a breach of the conditions of said bonds, in any Court of competent jurisdiction.

Contracts for
work not to ex-
ceed revenue.

SEC. 7. The contracts made for work to be done, or improvements to be made in any year, shall not exceed in amount the revenue and available means of that year, over and above the ordinary disbursements, unless by the concurrence of three fourths of the members of the Council.

Charter, how
to be amended.

SEC. 8. Whenever it shall become necessary to amend this charter, it shall be lawful for the Council to propose the amendments, and appoint a day for a vote to be taken, by the qualified voters of said city; and if a majority of the votes cast shall be in favor of the proposed amendment, the same shall be presented to, and by the consent of the Legislature, shall become a law; or the Council may call a convention, who shall be elected the same as the members of the Council; the same numbers, and possessed of the same qualifications; who, when assembled in convention, shall have authority to revise and amend the charter or adopt a new charter; which must however receive the sanction of the Legislature.

Officers to re-
main in office
until new elec-
tion in 1851.

SEC. 9. The officers of said city in office at the time of the passage of this act shall continue in office until the charter election in January, 1851. The Mayor of said city shall be appointed as other judicial officers, until the constitution shall otherwise provide, when he shall be elected as provided in the third section of article one of this charter.

Approved March 2, 1850..

CHAPTER 238.

AN ACT to amend and reduce into one the several acts concerning the town of Portland.

Town bound-
aries, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of Jefferson county as is embraced by the plan of the town of Portland, laid out by William Lytle, and recorded in the County Court

Clerk's office of Jefferson county—except so much thereof as is embraced in the bounds of the city of Louisville—is declared to be a town; and the inhabitants thereof are created a body corporate, with perpetual succession, by the name and style of the "Town of Portland," and as such, and by that name, shall be capable of contracting, suing and being sued, in all matters whatsoever, and may have the use of a corporate seal.

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SEC. 2. The prudential and municipal concerns of said town shall be under the control of a board of seven Trustees, who shall hold their offices for one year, and until their successors shall be duly elected and qualified. The election of said Board of Trustees shall take place on the second Monday in August, in each year, between the hours of nine o'clock in the morning and sun-set, and at such place within said town as said Board of Trustees shall, from time to time, designate.

Trustees, when and how elected.

SEC. 3. No person shall be a Trustee of said town, who, at the time of his election, is not a citizen of the United States, and has not attained to the age of twenty-one years, and resided in said town one year next preceding his election; and no Trustee shall be appointed or elected to any office under the municipal authority.

Qualifications of Trustees.

SEC. 4. Every free white male citizen of the age of twenty-one years, who has resided in said town one year next preceding the election, shall be a voter.

Voters, their Qualifications.

SEC. 5. It shall be the duty of said Board of Trustees, not less than five days before the second Monday in August in each year, to appoint two persons, inhabitants of said town, and not members of said Board, to act as Judges, and one other person to act as Clerk, who shall conduct the election of Trustees. Said Board of Trustees shall furnish said Judges with a warrant, directing them to hold the election in the same manner that elections are held for members of the General Assembly of the Commonwealth of Kentucky. On closing the polls at the hour designated in the warrant, the said Clerk shall, in the presence of said Judges, add up the votes given to each candidate—state the result on the poll book—certify to the correctness of the same, and deposit the poll book on the same day, or the day succeeding the election, with the town Clerk, who shall immediately give notice to the seven persons receiving the highest number of votes, that they are elected Trustees of the town of Portland for the ensuing year. The Board of Trustees shall have power to determine the validity of all elections under such rules as they may prescribe, fill vacancies in their own body; and in the event that any of the persons appointed to conduct the elections refuse to act, the Chairman of said Board, or in his absence any two members thereof, shall appoint another person to act in his stead.

Trustees to appoint Judges and Clerk of elections.

Trustees to determine validity of elections.

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When Trustees
shall meet.

SEC. 6. The Board of Trustees shall meet on the first Monday succeeding their election, and elect one of their body Chairman, who shall preside at all meetings of the Board, sign all their proceedings and orders, perform such other duties as shall be enjoined upon him by ordinance; and may receive an annual salary, to be regulated by said Board, not exceeding one hundred and fifty dollars.

Trustees' pow-
ers to collect
tax.

SEC. 7. All the property, and rights of property, within the boundaries aforesaid, which are now vested in the Trustees of said town, shall continue vested in them and their successors; and the said town of Portland is hereby vested with full power to collect and receive for each year, hereafter, two hundred dollars of the annual tax laid on the Portland Dry Dock and Insurance Company; and so much of the act incorporating said Portland Dry Dock and Insurance Company, approved February 29th, 1836, as directs that a tax of fifty cents on each hundred dollars of said company's capital stock shall be paid to the city of Louisville, is hereby so amended, that, in future, said Dry Dock and Insurance Company shall, annually, pay two hundred dollars of said tax to the town of Portland, and the residue thereof to the city of Louisville. The suits now pending in the name of the Trustees of the town of Portland against the Portland Dry Dock and Insurance Company shall be, in no wise, affected by the foregoing provision.

Quorum—
Chairman not to
vote.

SEC. 8. Five members of said Board of Trustees shall constitute a quorum for the transaction of all business, except as hereinafter prescribed, and the Chairman of said Board shall not be entitled to vote except in cases hereinafter mentioned; but when the Board of Trustees are equally divided he shall give the casting vote.

Trustees may
hold real estate

SEC. 9. The Board of Trustees of said town shall have the powers hereinafter mentioned. *First:* To purchase and hold real estate within the limits of said town, for the purpose of erecting public buildings thereon, or extending the wharves of said town. *Second:* To borrow money on the credit of the corporation for the purposes of internal improvement or of education within the limits of said town: *Provided*, that the interest shall, in no case, exceed six per cent. per annum, nor the amount borrowed, at any one time, five thousand dollars, nor the whole debt for borrowed money, at any one time, fifteen thousand dollars: *And, provided also*, that no money shall be borrowed by said town, unless the same be concurred in by all the Trustees thereof. *Third:* To appoint a health officer, and establish such regulations as may be necessary to prevent the introduction of disease into said town, or eradicate the same when it has made its appearance therein: *Provided*, that said regulations be not inconsistent with the constitution and laws of this State, and that the same may be at any time changed by the General Assembly of the State of

May borrow
money.

May appoint
health officer.

Kentucky. *Fourth:* To organize a Fire Department for the extinguishment of fire, provide engines and other apparatus, appoint a suitable number of men, not exceeding twenty, to each engine, who shall be exempt from serving on juries, and doing militia duty in the time of peace, during the time they are attached to such engine. The engine-men may be appointed for any term, and discharged at the pleasure of the Board of Trustees; and the said Board of Trustees shall pass all necessary ordinances to punish any inhabitant of said town for non-attendance at fires which may occur therein. *Fifth:* To erect, or procure, a suitable building for a work house, in which offenders against the ordinances of said town, or the laws of this Commonwealth, common beggars, vagrants, and breakers of the peace, in default of surety or bond, shall be confined at the expense of said corporation, for short periods, under such regulations as shall be prescribed by said Board. Persons committed to the work house, shall be sent there by warrant of the Police Judge, and discharged by the Superintendent at the expiration of the period for which they were confined. Said Board of Trustees shall appoint a suitable person to superintend said work house, and the persons thereto committed, shall be employed in such labor as shall be directed by ordinance. *Sixth:* To appoint, annually, a Town Clerk, Town Marshal, Town Assessor, Town Collector, Watchmen, and such other officers as they may deem necessary; regulate their compensation, prescribe their duties, not inconsistent with those herein enjoined upon them, and take bond with surety for each of them, payable to the town of Portland, in such penalty as they may deem expedient, conditioned for the faithful discharge of their duties. *Seventh:* To establish one or more free schools in said town, and provide for their government by ordinance; and said Board of Trustees may receive donations of real or personal estate made for the benefit of said schools. *Eighth:* To cause all the streets and alleys in said town, now established, or which may be hereafter established, to be graded and paved at the expense of the owners of lots fronting on said streets or alleys; and a petition, in writing, signed by the owner or owners of the greater part of the ground fronting on any square, shall be sufficient to authorize a contract for the grading and paving of the street or alley in such square. But the Board of Trustees, by the unanimous vote of all elected, may cause any street or alley, in any square in said town, to be graded and paved at the expense of owners of lots fronting such street or alley, without the petition or consent of such owners. In either case, when the grading and paving is completed, the Board of Trustees shall apportion the expenses thereof ratably on the owners of lots fronting the street or alley

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May organise
fire department.May erect a
work house, &c.May appoint a
Clerk, Marshal,
&c., who shall
give bond.May establish
schools.May have
streets and al-
leys graded

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May have
streets curbed
and paved.

May abate nuis-
ances.

May assess,
levy, and collect
taxes.

so graded and paved, and give the contractor, or person who may have ~~done~~ the grading and paving, an order on the owner of such lot or lots for the amount apportioned to him: and the holder of such order shall have a lien on the lot or lots, described in the order, for the amount thereof; which lien may be enforced by bill in chancery as other liens. The person filing such bill may make all the owners of lots fronting the street or alley which has been graded or paved, under the same contract, parties; and shall, also, file copies of the ordinance directing the work to be done, of the contract under which the work was done, of the order of the Board of Trustees receiving the work and making the apportionment, and the order or orders upon the owner or owners of lot or lots, which papers shall constitute *prima facie* evidence in favor of the contractor or person holding the order or orders. All sales of property made for the enforcement of said liens, shall be upon credits of six and twelve months, or four, eight and twelve months, in the discretion of the Court; and the Court, confirming any sale made under such decree, shall direct that the property be redeemable in twelve months, by the original owner of lot or lots paying the amount ascertained to be due from him, together with the costs of suit and sale, and twenty per cent. thereon. If redemption be not made within the time allowed, the sale shall be final, and the Court shall cause a conveyance to be made by a Commissioner. *Ninth:* To cause all the sidewalks in said town to be curbed, graded, and paved, under the same rules and regulations as they are herein before empowered to cause the streets and alleys to be graded and paved: and payment for such curbing, grading, and paving, shall be enforced by lien on the lots in front of which such work may be done, in the same manner and upon the same terms. *Tenth:* To compel the abatement and removal of nuisances within the limits of said town, by ordinances with suitable penalties. And they may provide for the abatement and removal of nuisances at the cost of lot owners on which said nuisance may be, and payment for the same may be enforced by lien on the land from which said nuisances were removed, in the same manner and upon the same terms as liens for grading and paving may be enforced. *Eleventh:* To assess, levy, and collect taxes on such real and personal estate as they may designate, but such tax shall be *ad valorem*, except as herein after specified, and uniform on every description of property, and shall not exceed fifty cents on each hundred dollars. They shall, also, have exclusive right to levy and collect a poll tax within said town, but such poll tax shall not exceed one dollar and fifty cents on each white male inhabitant over the age of twenty one years. They shall, also, have the right to rate and license all stores, tav-

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erns, groceries, victualing, confectionery, and retail establishments, and houses of public resort, within said town, except houses of religious worship, and such houses as are prohibited, by law, at such rates as they may, from time to time, ordain; but tavern keepers shall also be liable to pay the revenue tax of ten dollars. None of the property in such stores, groceries, and other establishments, except taverns, shall be valued nor included in the assessment of property for taxation. And no license shall be granted to retail spiritous or malt liquors, to be drank in the house, when sold in less quantities than a quart, for a greater period than one year. They shall, also, have the right to tax and license all Exchange or Broker's offices within the limits of said town, in any sum not exceeding forty dollars per annum; on each porter, not exceeding three dollars per annum; on each dray, cart, hack, and wagon, not exceeding three dollars per annum; and on each omnibus, not exceeding five dollars per annum: *Provided*, said tax shall only be imposed on those drays, carts, hacks, wagons, and omnibuses, owned and used in said town, or where they are employed to haul from place to place within said town for hire; and all shows, exhibitions, or performances, given or made in said town for money or property, in any sum not exceeding five dollars per day; but public lectures for literary, scientific, religious, or charitable purposes, shall not be subject to taxation. *Twelfth*: To suppress, by ordinances with suitable penalties, all tipling houses, bawdy houses, disorderly houses, houses of evil fame, all riots, breaches of the peace, and disturbances of religious worship, or the peace and tranquility, within said town. *Thirteenth*: To collect wharfage within said town at such rates as they may prescribe, and pass all needful ordinances for the protection of the public property of said town, and for carrying into effect all the powers herein granted, and executing the provisions of this charter—with suitable penalties for the infraction of the same, not exceeding fifty dollars, except in cases of disturbance of religious worship and breaches of the peace, in which cases the penalty may be one hundred dollars.

SEC. 10. The Board of Trustees may take conveyances to the "town of Portland," or the consent in writing of the proprietors of land, within the town, for the purpose of locating new streets or alleys, or extending any of the same; and in taking such conveyances or receiving such consent, may direct such streets or alleys to be extended or opened. And when they shall deem it proper to have new street or alley opened, or any of the streets or alleys extended, they may petition the Police Judge of the town of Portland, stating the street or alley they wish opened or extended, the names of the owners of the land through which they desire

May suppress
tippling houses,
&c.

May collect
wharfage.

May locate
new streets.

Police Judge
to order street
to be opened.

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to have such street or alley opened or extended, and the width thereof; and thereupon, said Judge shall issue a summons for such owner to appear, on some convenient day, to show cause why such street or alley should not be opened or extended; which summons shall be executed on such owner, if in the county, if not, on his agent, if one is known, and on return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the Judge shall order the street or alley to be opened or extended; but if any one appear he shall have the right to claim a writ of *ad quod damnum*, which the Judge shall award to the Town Marshal, to be executed as other writs of that nature for opening roads; and on return of such writ executed, the Judge shall order the Board of Trustees to pay the damages assessed, and the street or alley to be opened or extended.

Taxes how to
be collected.

SEC. 11. The Board of Trustees shall levy no tax, nor make any appropriation of money, without the concurrence of five members; and upon these questions the Chairman shall vote.

Assessor's du-
ties.

SEC. 12. It shall be the duty of the Assessor to make a list of the names of the owners of property within said town, and affix opposite the name of each owner the description and value of his real estate within said town, and also the value of the personal estate of the inhabitants of said town, which may be designated for taxation; which list shall be made, if required, on the oath of the party, or if the party shall refuse to give in a list and swear to the same, the same shall be furnished by the Assessor. Said list shall be extended to include the name of every free white male inhabitant over the age of twenty one years; of every owner of a hack, cart, dray, or wagon, and of every porter which may be plying in said town, together with the number of hacks, carts, drays, and wagons owned by each; and also the name of every tavern keeper, store keeper, grocer, victualler, confectioner, retailer, and keeper of a house of public resort, except gaming houses and houses of evil fame; which assessment and list shall be completed and deposited with the town Clerk on or before the first day of March in each year. And if any person shall be aggrieved by the valuation of his property he may make application to the Board of Trustees, within such time as shall be prescribed by them, and upon satisfactory proof being made, said valuation may be changed.

Assessments
to be made on
10th January.

Marshal's and
collector's du-
ties.

SEC. 13. All assessments of property for taxation shall be made as of the 10th January in each year, and when said assessments are made, the tax bills shall be placed in the hands of a Collector, to be appointed by the said Board of Trustees, (but the town Marshal may be appointed Collector,) on or before the first day of March, in each year, who shall proceed forthwith to collect the same; and on

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failure of payment, the said Collector is authorized to seize any property, real or personal, of any person so failing to pay sufficient to satisfy the respective taxes due, and costs of seizure, under the following regulations. *First*: Whenever the Collector shall seize any personal property, he shall, after fixing a written or printed notice of the time and place of sale, at least three public places in said town, ten days previously to the day of sale appointed, proceed to sell the same, or so much as will satisfy the tax due and costs of seizure and sale, to the highest bidder for cash. *Second*: Whenever the personal property of a person, in arrear for taxes in said town, shall be insufficient to satisfy said taxes, the Collector shall proceed to sell the real estate of such person situate within said town. If the owner of such real estate resides in said town, it shall be the duty of the Collector to affix to the Court House door of the county of Jefferson, and three public places in said town, a notice of the day and place of sale appointed by him, at least twenty days previously to the day of sale, stating therein a description of the property so proposed to be sold, the owner's name, and amount of tax due; whereupon, the said Collector shall proceed to sell said property on the day and at the place assigned in said notice, or so much thereof as may be sufficient to satisfy the tax due and costs of sale. If the owner of such real estate does not reside in said town, whether he be a resident or non-resident of this State, or if the owner is unknown to the Collector, it shall be the duty of said Collector to cause to be inserted in a newspaper published in the city of Louisville, and also in a newspaper published in said town, if any such paper be published in said town, an advertisement, specifying the day and place of sale, a description of the property proposed to be sold, the owner's name, if known to the Collector, and the amount of tax due, six weeks successively before the day of sale appointed; the said Collector, if the taxes have not previously been paid, shall proceed to sell said property, so proposed to be sold, or so much thereof as will satisfy the taxes due and the costs of advertising and sale, to the highest bidder for cash. In either case, whether the sale be of real estate belonging to persons resident or non-resident within the limits of the said town, the Collector shall file with the Clerk of the County Court of Jefferson a copy of the notice or advertisement, as the case may be, with an endorsement thereon, or memorandum thereto attached, setting forth particularly his observance of the foregoing requisitions, together with an affidavit of one of the publishers of the paper or papers, in case of advertisement, of the fact of advertisement as required; and, upon payment of the purchase money, the Collector shall execute to the purchaser a conveyance of the property bought by him, which conveyance

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shall be effectual, in law and in equity, to vest in said purchaser all the right, title, and interest in and to the property so conveyed, of the person charged with the taxes on account of the property so sold as aforesaid. And the Clerk of the Jefferson County Court, when he records said conveyance, shall, at the same time, and therewith, copy the aforesaid notice and endorsement thereon, or memorandum and affidavit thereto attached.

Collector to
account for and
pay over taxes;
penalty for fail-
ure, &c.

SEC. 14. The said Collector shall account with, and pay to the Board of Trustees, or their order, the amount of taxes for which he has received lists aforesaid, on or before the day appointed by said Board of Trustees; on failure whereof, he and his sureties shall be liable, by motion, upon ten days' notice in the Jefferson Circuit Court, in the name of the town of Portland. Upon hearing of said motion, the said town shall be entitled to receive a judgment for the full amount of taxes due agreeably to the lists delivered to the Collector, and fifteen per centum damages thereon besides interest; on which judgment, execution shall be issued, endorsed that "no replevin nor surety of any kind be allowed:" *Provided*, that the Collector, or his sureties, may be allowed for delinquents, when his list of the same has been received by said Board of Trustees, and not otherwise.

Clerk's duties.

SEC. 15. The town Clerk shall record all the ordinances and resolutions passed by said Board of Trustees in a book provided for the purpose, and perform such other duties as may be enjoined him by said Board.

Marshal's du-
ties and fees

SEC. 16. The town Marshal, in addition to the duties which may be imposed upon him by the said Board, shall execute all process emanating from the Police Judge, and collect the fees due the Police Judge, when fee bills therefor shall be placed in his hands for collection, in like manner and with same compensation as is prescribed by law in relation to fees of Justices of the Peace. Said Marshal shall receive the same fees, for like services, as Constables are entitled to receive; and for such services as are performed by Sheriffs, the same fees allowed by law to Sheriffs, with power to collect the same in the same manner. And he and his sureties shall be liable, by motion in the Jefferson Circuit Court—in case of delinquency or breach of official duty, in not returning process, or paying over money collected by him at the instance of any one aggrieved—in like manner and to the same extent as Sheriffs are.

Police Judge,
his jurisdiction,
&c.

SEC. 17. There shall be a Police Judge in said town, to be commissioned by the Governor, by and with the advice of the Senate, who shall hold his office during good behaviour, and shall reside in said town or its vicinity. He shall have jurisdiction within said town of all causes, civil and criminal, of which Justices of the Peace have, and shall be entitled to the same fees, for like services, to be collected

In the same way. He shall keep a fair record of his proceedings, and shall copy and certify the same in such manner as Justices of the Peace copy and certify their records; and said records shall be evidence, and have the same effect as records of Justices of the Peace. And there shall be the same right of appeal from the judgment of said Police Judge, in all cases, when he exercises the jurisdiction of a Justice of the Peace, as is now allowed by law from judgments of Justices of the Peace, and under the same rules and regulations. And he shall have power and jurisdiction to enforce and carry out the by-laws and ordinances of said town, which are not inconsistent with the constitution of the United States, or of this State, or the laws thereof. And the parties shall have the right to appeal from the judgments of said Judge, in such cases when the penalty imposed exceeds twenty dollars, to the Court of Appeals, under the same rules and regulations as are allowed by law from judgments of Circuit Courts. He shall, also, have the right to sit as a court of inquiry in criminal cases in said town, and in such cases shall proceed in the same manner and have the same jurisdiction as two Justices of the Peace.

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SEC. 18. The validity of the town ordinances may be tried by a writ of prohibition from the Judge of the Jefferson Circuit Court, and the right of appeal to the Court of Appeals shall exist in such cases. All penalties for the violation of the ordinances of said town shall be sued for by warrant in the name of the "town of Portland," before the Police Judge. Should the said Judge decide against the validity of an ordinance, the said decision, with the ordinance, shall be certified by him on his record, and the town of Portland shall have a right to appeal therefrom, within thirty days, to the Court of Appeals. And all the penalties and fines inflicted before the Police Judge shall be paid to the Trustees of the said town, or their order.

Validity of ordinances, how tested, &c.

SEC. 19. All claims which now exist, for grading and paving the streets and alleys, or for curbing, grading, and paving the side walks in said town, shall hereafter be enforced by bill in chancery; and upon satisfactory proof of the claim, the same shall be enforced in like manner and upon the same terms as are hereinbefore prescribed in reference to such rights hereinafter to accrue.

Claims against town, how to be enforced.

SEC. 20. All the acts, and the amendatory acts, heretofore passed incorporating said town, are hereby repealed: *Provided*, that the present Police Judge, and other officers of said town, shall continue in office until their successors are duly qualified. And the General Assembly reserve the right to alter, amend, or repeal the whole or any part of this act: *Provided further*, that nothing in this act shall be construed to affect the revenue of this State arising from any source.

Repealing clause.

1850.

CHAPTER 240.

. AN ACT to establish the town of Sandy Hook, in Morgan county.

Location.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a town, or village, is hereby established in the county of Morgan, on the lands of William H. and James L. Kendall, situated on the waters of Little Sandy, and shall be called and known by the name of Sandy Hook.

Survey to be made—boundary.

SEC. 2. That said William H. and James L. Kendall, shall cause the same to be laid off by a competent Surveyor, on the south side of Little Sandy river, and immediately fronting their residences, and shall have for its boundary the full extent of all the lands and lots already laid off as the proposed boundary of said village, and such as may hereafter be laid off under the provisions of this act, provided that the boundaries of said town shall not enclose less than three acres of ground, nor more than twelve.

Survey & plat to be recorded.

SEC. 3. That the Surveyor, making said survey, shall make out and return to the Clerk of the Morgan County Court a complete plat and survey of said town, giving its metes and bounds, and the length, breadth, and number of its streets and town lots, which he shall properly certify for record; and the Clerk of said court shall copy and record the same in his books, kept for the purpose of preserving copies of deeds, surveys, &c., and shall file away and preserve the original plat and survey among the papers of his office.

Trustees appointed.

SEC. 4. That William H. Kendall, James L. Kendall, George Howard, Francis Hunter, and Casnell Adkins, are hereby appointed and constituted Trustees for said town, who shall continue in office until the first Saturday in April, 1851, and until their successors are duly elected and qualified.

Lands vested in Trustees, & may be sold.

SEC. 5. That the title to the said lands and town lots shall be vested in said Trustees, who shall advertise and make sale of the said lots at such time and on such terms as they may deem best, and shall take bonds for the purchase money, payable to said Trustees, which shall be good and valid in law; and they shall make conveyances, by deed, of the title to the purchasers, provided that the purchase money for said lots shall, when collected by the Trustees, be paid over to the said William H. and James L. Kendall.

Trustees how and when to be appointed.

SEC. 6. That the County Court of Morgan County shall, at their March or April term of said court, in the year 1851, and in every succeeding year thereafter, appoint Trustees for said town of Sandy Hook, to serve for and during the term of one year from the first Saturday in April of the same year; which Trustees shall have power to make and enforce by-laws for the improvement and good order of

said town: *Provided*, they shall not conflict with the constitution and laws of the State.

1850.

Approved March 4, 1850.

CHAPTER 241.

AN ACT for the benefit of E. A. Goodman, and others.

Whereas, James Veach, late of the county of Shelby, having by his will devised to Alexander B. Veach and Harriet Veach, in trust for the use and benefit of Eliza A. Goodman and Emily J. Turnham, a certain parcel of land in Shelby county; and, whereas, said Trustees deem it to the advantage of the said Goodman and Turnham, that their interests, being one third part each, should be sold and the proceeds invested in lands elsewhere.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said Alexander B. Veach and Harriet Veach, trustees aforesaid, to file their bill in chancery in the Shelby Circuit Court, setting forth and establishing, by written testimony, that the sale and conveyance of the interests of said Eliza A. Goodman and Emily J. Turnham, in said land, will redound to the interest of the parties; and it shall be lawful for the Judge of said Court to decree the same to be sold and conveyed by said Trustees, in the name of and for the said Eliza A. Goodman and Emily J. Turnham: *Provided*, the said Judge shall require of the said Trustees, bond with good security, to be approved by said Judge, in a sum double the estimated value of the interests of said parties, conditioned to be void when said Trustees shall invest the proceeds arising from the said sale of the interest of the said E. A. Goodman and Emily J. Turnham, in said tract of land, in other lands for the use and benefit, and in the name of the said Eliza A. Goodman and Emily J. Turnham.

SEC. 2. That the said Judge may decree any money or moneys in the hands of said Trustees, or which may hereafter come to their hands for the use and benefit of the said E. A. Goodman and Emily J. Turnham, to be invested in lands for their use and benefit.

Approved March 4, 1850.

CHAPTER 242.

AN ACT for the benefit of the town of Burksville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Burksville, in the county of Cumberland, or a majority of them, are hereby authorized and empowered to alter,

Trustees may
change or abolish an alley.

1850.

change, or abolish the street or alley in said town running from the main road, opposite the residence of Jenkins Eston, towards and intersecting back street, upon satisfactory proof being made before them that no injury will result therefrom, or any inconvenience, either to the citizens or the public.

Tax on free
negroes.

SEC. 2. The Trustees of said town are hereby authorized and empowered to levy and collect the same tax on the head, and the property of the free negroes of said town, that they collect from the free white male citizens, and under the same rules and regulations.

Trustees of
Petersburg, in
Boone county,
may levy tax to
improve streets.

SEC. 3. *Be it further enacted*, That the Trustees of the town of Petersburg, in Boone county, be and are hereby authorized to levy a tax upon the real estate thereof, sufficient to grade, gravel, or otherwise improve the streets and side walks of said town, or so many thereof as the Trustees may direct, or see fit so to improve; said tax to be levied, so much per lineal foot or yard bordering on such street or alley to be improved as aforesaid. The lots on the respective sides of said streets and alleys to be liable only for a sum sufficient to make the improvements aforesaid, from the line of said streets or alleys to the centre thereof.

Limits of Pe-
tersburg extend-
ed.

SEC. 4. *Be it further enacted*, That the limits of said town be extended to the Ohio river, at low water mark, from Broadway street to the present upper limits of said town; no interference with the rights of individual property being hereby intended or asserted.

Limits of
Taylorport ex-
tended.

SEC. 5. *Be it further enacted*, That the limits of the town of Taylorport, in Boone county, be extended as follows, to-wit: beginning at the mouth of Elijah's creek, on the Ohio river; thence up said creek to Third street; thence up Third to Maple street; thence down Maple street to the Ohio river; thence down the Ohio river to the beginning.

Justice and
Constable to
Boone.

SEC. 6. That an additional Justice of the Peace and Constable be and are hereby allowed to the county or Boone, who may reside within the limits of the town of Taylorport, or within one mile thereof.

Limits of
Paintsville ex-
tended.

SEC. 6. *Be it further enacted*, That the limits of the town of Paintsville be extended as follows: so as to include the lands of Martin Franklin, in the described boundary, and be governed by all the laws that are in force governing the said town—commencing at the lower corner of the present boundary on Paint creek, a straight line, to the mouth of the mill branch; thence up said branch to the first forks; thence up the west fork to the upper line of Martin Franklin's farm, and with said branch; thence with said Franklin's line to Paint creek; thence, a straight line, to the corporation line at the upper end of said town.

Approved March 4, 1850.

CHAPTER 243.

1850.

AN ACT for the benefit of James M. Crockett, an infant.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the Franklin Circuit Court may, on the petition and affidavit, filed in said court, by Samuel Crockett, as testamentary guardian of James M. Crockett, an infant, praying the sale of a certain slave, a boy, the property of said James M. Crockett, decree the sale of said slave by said guardian, at such time and on such terms as will best protect and preserve the interest of said infant: *Provided*, the Judge shall be satisfied, by written affidavit filed with said petition, that a sale of said slave will redound to the interest of said infant: *And, provided further*, that said Judge shall require good security of said guardian, to be approved by him, for the faithful execution of the decree, which may be made in the premises.

SEC. 2. That the sale which may be decreed in conformity with this act, shall be as valid and as conclusive against said infant as if he were of full age, and had made the same in person.

Approved March 4, 1850.

CHAPTER 244.

AN ACT to extend the limits of the town of Proctor.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the limits and bounds of the town of Proctor, in Owsley county, are hereby extended so as to include the following boundary, viz: All that tract or parcel of land adjoining said town commencing at the south west corner of said town at F. Montmollin's corner; thence, southwardly, with Montmollin's line, to Archibald McGuire's fence; thence with said fence, and continuing the same course, to opposite where a line drawn will reach the south east angle of said town.

Boundary extended.

SEC. 2. That the Trustees of said town are hereby directed to lay off said extensions, and extend the streets and alleys necessary in said extension; and are, also, directed to cause a plat of said extensions, with a survey thereof, to be made, and have the same recorded in the Clerk's office of the Owsley County Court.

Streets & alleys to be laid out.

SEC. 3. That power and jurisdiction and rights of said Trustees shall extend over the boundary annexed as aforesaid, in the same manner, and to the same extent, that their powers and jurisdiction exist over the territory in the former boundary as established by law; and the same powers to lay off and sell lots included in the extended boundary is hereby given to said Trustees, as are vested in them to lay off and sell lots in the former boundary.

Jurisdiction of Trustees.

Approved March 4, 1850.

1890.

CHAPTER 246.

AN ACT for the benefit of William Duncan, of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Constable's district in which Harrison M. Salee, a Justice of the Peace in and for Wayne county, now resides, be so enlarged and extended as to include the residence of William Duncan, a Constable of said county.

Approved March 4, 1850.

CHAPTER 247.

AN ACT to establish an additional Election Precinct in Graves county, and Boone county.

Graves.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional election precinct be and is hereby established at the tavern house of Cheatham and Campbell, in the village of Dukedom, in the county of Graves.

Boone.

SEC. 2. *Be it further enacted*, That an additional election precinct be and is hereby established in the town of Taylorport, in Boone county, at the house of A. H. Hedges, or one convenient thereto provided by him.

Approved March 4, 1850.

CHAPTER 248.

AN ACT to enlarge the powers of the Trustees of the town of Hickman.

May order side
walks to be
paved.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act it shall and may be lawful for the Trustees of the town of Hickman, a majority thereof concurring, to enact and pass such ordinance or ordinances as may be deemed proper and suitable to impose upon the owner or owners of lots in said town the duty of making side walks on the streets of said town, in front of and to the extent and limits of the front of said lot or lots upon such street or streets, as the said ordinance may direct to be thus improved.

Notice to be
given.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the Trustees of the town of Hickman, when they shall have entered up an ordinance to the effect that any street of said town be improved by the construction of said walks to give public notice of such ordinance by one month, or four regular insertions in the weekly paper published in Hickman, describing the street to be improved, the width of the side walk, and the material to be used; and that the owners of lots fronting upon said street and required to make the improvement to the extent that the lot or lots front on said street, respectively; and shall prescribe the period

of time within which the said work of improvement is required to be done; which said public advertisement shall be deemed notice to all concerned; and, thereupon, if the owner or owners of the lots, fronting upon the street designated, shall fail or neglect, for the period of time mentioned in said public notice, to do and complete the said work of improvement, as described in the same, then, and in that event, it shall and may be lawful for the Trustees, by an order upon their records, to direct the Marshal to proceed forthwith to have the work done, for and on behalf of such delinquent owner or owners; and the amount necessarily and reasonably expended by the Marshal in making the said side walks, as aforesaid, shall be a charge upon the lot or lots in front of which they are so, as aforesaid, ordered to be made, and for which the said lot or lots may be sold, under proceedings similar to those heretofore prescribed for the sale of real estate in the town of Hickman for non-payment of taxes due thereon.

1850.

If owners of lots fail, Trustees may have work done and assess costs as tax on lots.

Approved March 4, 1850.

CHAPTER 249.

AN ACT to incorporate Capital Lodge, No. 6, of the Independent Order of Odd Fellows.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Tanner, George W. Craddock, Richard Gillispie, and George W. Gwin, are hereby constituted a body politic and corporate, to be known by the name of the corporate committee of Capital Lodge, No. 6, of the Independent Order of Odd Fellows; and by that name shall have perpetual succession, and a common seal, with power to change and alter the same at pleasure; and by that name may sue and be sued, plead and be impleaded, in any action or suit, in any court whatever; and contract and be contracted with.

Corporators' names, and corporate powers.

SEC. 2. That said corporate committee may purchase or receive, by deed of gift, deed of trust, or otherwise, any real and personal property, not exceeding in value ten thousand dollars, and hold the same in fee simple for the use and benefit of said Lodge.

May purchase and hold by gift real and personal estate.

SEC. 3. That said corporate committee shall have power and authority, out of the proceeds of any real and personal estate which shall hereafter belong to said corporate committee, to create and establish a permanent fund, to be called the Widows, Orphans, and School Fund, the principal and interest of which may be appropriated to the purposes of benevolence, as connected with the charities bestowed by said order on widows, orphans, and the education of orphans.

May establish Widows' and Orphans' school fund.

SEC. 4. That said corporate committee shall, after the

1850.

May establish
and maintain a
school or col-
lege.

payment of all the debts of said Lodge, have power and authority to establish and maintain such a school, or college, and library, as the said corporate committee may deem expedient; appoint suitable preceptors, and such other officers as may be deemed necessary to superintend and conduct the same; purchase or receive, by deed of gift, deed of trust, or otherwise, any houses, lands, books, and apparatus, as they may deem necessary to carry on the said school, or college, upon such system as the said corporate committee shall hereafter establish the same.

May control
school fund.

SEC. 5. That said corporate committee shall have power and authority and control over such school, college, lands, and apparatus, together with the proceeds and profits arising therefrom; and may, when they deem expedient, alter, amend, and abolish the said school, or college: *Provided*, that the houses, lands, books, and apparatus, together with the proceeds and profits arising therefrom, shall be held for the use and benefit of said Lodge, in manner and form as hereinafter directed.

Vacancies, &
how filled

SEC. 6. That in case of a vacancy in said corporate committee by death, resignation, or removal from Franklin county, said Lodge shall forever hereafter have power to elect a member or members of said order, belonging to said Lodge, resident in Franklin county, to fill such vacancy or vacancies; who shall have all the power and privileges with which the foregoing committee are invested by this act.

When all cor-
porate commit-
tees vacate their
office, then prop-
erty, &c., to
vest in Lodge.

SEC. 7. That when by death, resignation, or removal from the county of Franklin, a majority of the whole memberships of said corporate committee, as allowed in the first section of this act, shall have been vacated for one year and a day, then and in that case, the fee simple title to all real and personal property which may have vested in said corporate committee, by virtue of this act, shall vest in said Lodge; and said corporate committee shall forfeit all power and authority conferred by this act.

By-laws may
be made.

SEC. 8. That said corporate committee shall have power to ordain any and all rules and regulations for their government and conduct as they may deem necessary, not in conflict with the provisions of this act.

SEC. 9. That there is hereby reserved to the General Assembly the power to alter, amend, or repeal this act.

Approved March 4, 1850.

CHAPTER 250.

AN ACT to incorporate the Independent Order of Odd Fellows, (Lodge No. 65,) of Glasgow, Kentucky, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Franklin Gorin, John W. Rit-

ter, Charles R. Crouch, John G. Rogers, and Jas. L. Crutcher, and their associates and regular successors, be and are hereby created a body politic and corporate, by the name and style of the Independent Order of Odd Fellows of the town of Glasgow, (Lodge No. 65,) and by that name are hereby vested with full power and authority to acquire, hold, use, and enjoy, real and personal estate to the amount of twelve thousand dollars, and to sell and convey or otherwise dispose of the same, under such by-laws, rules, and regulations, as may by them be provided or adopted: *Provided*, that such by-laws, rules, and regulations be not contrary to the constitution or laws of this State, or of the United States; and said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and may have and use a common seal, and to change and alter the same at pleasure: *Provided further*, that the powers hereby granted shall not be used in banking, insuring property or life, or doing any thing not expressly granted by this act.

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Corporators' names, and corporate powers; Glasgow Lodge.

SEC. 2. The right of any future Legislature to alter or amend this charter is hereby reserved.

SEC. 3. *Be it further enacted*, That William Frank, Wm. S. Jones, and Joseph H. Lewis, and their successors in office, are hereby created a body politic and corporate, by the name and style of the Trustees of Allen Lodge, No. 24, and by and in that name may make and receive deeds of conveyance for any real estate that said Lodge may authorize the purchase or sale of; and the deed heretofore made to said Lodge is hereby declared valid, and the title to the lot thereby conveyed is hereby vested in said Trustees, and their successors; and by said name and style, may sue and be sued, plead and be impleaded; and are authorized to receive contributions made either in money or property, for the use and benefit of said Lodge, and to sue for and recover any money that may be due and owing the same, or for any damage or trespass that may be done or committed to the property belonging to the same.

Corporators' names, and corporate powers, Allen Lodge.

SEC. 4. That said Trustees, or their successors in office, or a majority of them, may at any time pass such by-laws, rules, and regulations, (not inconsistent with the constitution and laws of this State,) as may be necessary for the protection, management, and safe keeping of the property of said Lodge; and any money recovered, for any trespass, shall be for the use and benefit of said Lodge, and shall be so applied.

By-laws may be made.

SEC. 5. That the by-laws, rules, and regulations that may be adopted by the Trustees, shall be submitted by them to the said Lodge, at the next regular meeting thereof for approval, and when approved shall be obligatory.

To be submitted to general meeting.

1850.

Who shall be
Trustees:

SEC. 6. That the Master, Senior and Junior Wardens of said Lodge, and their successors in office, shall be the Trustees of the same.

SEC. 7. The Legislature reserves the power to alter or amend the foregoing charter at any time hereafter.

Corporators'
names, and cor-
porate powers,
Jessamine Tem-
ple of Honor.

SEC. 8. *Be it further enacted*, That Samuel H. Moseley, Thomas W. Foster, and Samuel C. Frost, are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Jessamine Temple of Honor, No. 7, and by that name shall have perpetual succession, and a common seal; and that said Trustees shall have power, on the death, resignation, removal, or any disqualification of any of the Trustees, or their successors, a majority of those remaining shall fill such vacancy; and should all of said Trustees, or their successors, either by death, resignation, removal, or otherwise, vacate their offices, then, and in that case, a majority of the members of the said Division, at the time of such vacancy, shall proceed to fill the same, and the person or persons so appointed shall be vested with power and authority as if named specially in this act; and by said name and style, may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth.

May purchase
house and lot.

SEC. 9. That said Trustees and their successors, shall have full power to purchase a lot of ground and house suitable for holding their meetings, to receive conveyances by deed therefor, which shall be subject to the same regulations and provisions as deeds of conveyance are now subject to by law; and they shall have full power to sell and convey the same, at any time, when it shall be deemed proper by said Division, and to purchase another house and lot more suitable for their purposes.

SEC. 10. The General Assembly reserves the right to amend or repeal this act at pleasure.

Bridgeport
Lodge incorpo-
rated.

SEC. 11. *Be it further enacted*, That Jacob Williams, Anthony Crockett, Morgan Jenkins, and ———, be and they are hereby incorporated under the name and style of the Trustee Committee of Bridgeport Lodge, No. 44, with the same powers and privileges contained in the foregoing act.

Approved March 4, 1850.

CHAPTER 252.

AN ACT for the benefit of John McKee and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the Franklin Circuit Court may, upon petition and affidavits filed in said court, by the wife and adult children of Samuel B. Crockett, deceased, for themselves and John McKee, as trustee

of the wife and children of said Samuel B. Crockett, on the part of such children as are infants, setting forth and establishing that it is to the interest of said wife and children, that a certain tract or parcel of land in the county of Franklin, on the Kentucky river, about two miles above the city of Frankfort, containing two and one half acres, more or less, held by said John McKee, in trust for the said wife and children of Samuel B. Crockett, deceased, should be sold and conveyed, and the proceeds of said sale invested in another tract or parcel of land adjoining the home tract of said wife and children, decree that the same be sold and conveyed by the said John McKee, as trustee as aforesaid, in manner as aforesaid, for the purposes aforesaid, under such restrictions as the interests of said wife and children shall require.

1850.

SEC. 2. That the sale and conveyance provided for in this act, when decreed and executed in conformity thereto, shall pass a good and valid fee simple title to said tract or parcel of land.

Approved March 4, 1850.

CHAPTER 253.

AN ACT to amend an act incorporating the town of Germantown.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the jurisdiction of any Justice of the Peace living within the corporate limits of the town of Germantown, shall be co-extensive with said limits, and in the regulation of appeals from said Justice or Justices' court, the parties to any suit shall be governed by the laws now regulating appeals from Justices' Courts; and it shall be the duty of said Justice or Justices to certify the record of proceedings to such courts as the law now provides in the prosecution of appeals from Justices' Courts, having care to certify the same to the county where the same shall originate.

Jurisdiction of Justices residing in, fixed, & appeal regulated.

SEC. 2. That it shall be lawful for each white male inhabitant of said town, who is entitled to vote for Representatives, to vote for any officer for said town in its municipal regulation.

Voters may vote for officers.

SEC. 3. That the Trustees of said town shall have power to levy a capitation tax on the voters of said town, within the corporate limits of said town, equal to that now levied on house-keepers; and that said Trustees may levy a tax, *ad valorem*, upon all the property, real and personal, within the limits of said town, not exceeding eight cents on the one hundred dollars, and not to continue in force longer than three years.

Trustees may levy tax.

Approved March 4, 1850.

1850.

CHAPTER 254.

AN ACT to incorporate Young Lodge, No. 132, in the town of Hodgenville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present members of Young Lodge, No. 132, of Ancient Masons, and such as may hereafter associate with them, agreeable to the constitution, rules, and by-laws of said institution, and their successors, be and they are hereby incorporated and made a body politic and corporate, by the name of Young Lodge, No. 132, of Ancient Masons; and by that name shall have perpetual succession; and shall be capable of receiving and holding by gift, purchase, or otherwise, not exceeding twenty five acres of land, and any kind and quantity of personal property, and to sell and exchange the same, and make conveyance thereof at pleasure; to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity; to have and use a common seal, and the same to renew or alter at pleasure. In all suits by or against the corporation, they shall sue and be sued in their corporate name; and service of process upon the chairman of the Board of Trustees shall be sufficient service upon said corporation.

SEC. 2. That John Duncan, William B. Read, Henry E. Read, John Mills, and William Robertson, are hereby appointed Trustees for said Lodge, to hold their office until the 24th of June, 1850, and until their successors are duly elected by the members of said Lodge; and the members of said Lodge may, on the 24th day of June, 1850, and on the same day of each succeeding year, elect five of their own body as Trustees of said corporation, whose term of office shall be twelve months, and until their successors shall be elected.

SEC. 3. That all the real and personal estate and property, belonging to said Lodge, shall be as fully and completely vested in said corporation as if such property had been acquired after the passage of this act. The Trustees shall keep a record of their proceedings, make rules and by-laws for their own government; and in case of the death or removal of any one or more of said Trustees, said Lodge may elect one or more, as the case may be, to fill the vacancy or vacancies occasioned thereby.

Hodgenville,
the boundary of,
changed.

SEC. 4. That an act passed at the present General Assembly, entitled, an act to extend the corporate boundaries of the town of Hodgenville, and for other purposes, be so amended as that the corporate boundary of said town be two hundred and seventy five yards from the centre of the public square, running out the four principal streets, therefrom, and then at right angles until the lines intersect each other, instead of the boundary as provided in said cited act.

Approved March 4, 1850.

LAWS OF KENTUCKY.

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CHAPTER 255.

1850.

AN ACT to establish and change election precincts in certain counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established an election precinct in the town of Buleyville, in Breckinridge county, and elections therein shall be held at such house as the Sheriff may select.

Established in Breckinridge.

SEC. 2. That an election precinct is hereby established at the Reform Church on Station Camp Creek, in Estill county.

Established in Estill.

SEC. 3. That the place of voting in the election precinct in Jefferson county, heretofore held at the house of J. Tranchant, be changed to the house of Daniel Gilman.

Place of voting in Jefferson changed.

SEC. 4. That an additional election precinct is hereby established in the county of Carroll, and the place of voting therein shall be at the store house of Joseph Gavock, on Locust creek.

Established in Carroll.

SEC. 5. That an additional election precinct is hereby established in the county of Trigg, and the place of voting therein shall be at the house of John P. Turner, between the Cumberland and Tennessee rivers.

Established in Trigg.

SEC. 6. That an additional election precinct is hereby established at the village of Centreville, in Bourbon county, and the Bourbon County Court may name the place in said precinct where the votes shall be taken.

Established in Bourbon.

SEC. 7. That the place of voting in Garrard county be changed from the house of James Lane to that of Sherrod Lane in said county.

Place of voting in Garrard changed.

SEC. 8. That an election precinct is hereby established at the house of John Durham, in the town of Saloma, in Taylor county.

Established in Taylor.

SEC. 9. That the place of voting in Carter county is hereby changed from the house of — Skeggs to the house of Travis V. Horton in said county.

Place of voting in Carter changed.

SEC. 10. That an additional election precinct is hereby established at the house of Joshua Knapp, in Carter county.

Established in Carter.

SEC. 11. That the place of voting in the Bacon creek election precinct, in Hart county, is hereby changed from the house of John H. Livly to the house of Miles Hodges, formerly owned by Merida Price.

Place of voting in Hart changed.

SEC. 12. That an additional election precinct is hereby established at the house of Samuel Bruin, in Washington county.

Established in Washington.

SEC. 13. That the place of voting at the house of Andrew Hamilton, in Estill county, be and the same is hereby changed from said Hamilton's to the house of Robert Fluty in said county.

Place of voting in Estill changed.

SEC. 14. That the place of voting in the town of Proctor, in Owsley county, be and is hereby changed from the

Changed in Owsley.

1850. house of James F. Blunts to the Proctor Seminary in said town.

Changed in
Laurel.

SEC. 15. That the place of voting in Laurel county be changed from the house of James Davis to the house of Smith Baker in said county.

Established in
Carroll.

SEC. 16. That an additional election precinct be and is hereby established at the house of William Anderson, in Carroll county.

Approved March 4, 1850.

CHAPTER 256.

AN ACT for the benefit of Tunstall Quarles.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor be directed to issue his warrant on the Treasurer, in favor of Tunstall Quarles, for the sum of seventy two dollars, the amount to which he is entitled for his services as Commonwealth's Attorney for the 8th Judicial District, in the year 1813, and which has never been paid to him.

SEC. 2. *Be it further enacted,* That the Second Auditor be directed to issue his warrant on the Treasurer, in favor of Tunstall Quarles, for the sum of one hundred and fifty dollars, money by him paid, laid out and expended in marching a Company of volunteers and bearing the expenses of the same from Somerset, in Pulaski county, to Georgetown, in Scott county, and which has never been refunded to him.

Approved March 4, 1850.

CHAPTER 257.

AN ACT for the benefit of the Prestonsburg Seminary.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Floyd county shall have power, and is hereby authorized, to appoint Trustees for the Prestonsburg Seminary, and fill all vacancies that may occur in said Board, so that the number shall never be less than five.

SEC. 2. The Trustees appointed under this act shall have all the powers and be governed by all the laws in force in relation to said Seminary, not inconsistent with this act.

Approved March 4, 1850.

CHAPTER 258.

AN ACT to amend the charter of the Newmarket and Bardstown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful

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for the Newmarket and Bardstown Turnpike Road Company to locate its road so as to intersect the Bardstown and Springfield Turnpike Road between Mill creek and Bear creek; and so soon as ten thousand dollars of stock shall be subscribed, the commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for President and six Directors, who shall hold their office for one year, and until others shall be elected and duly qualified.

Sec. 2. It shall be lawful for the County Court of Marion county (a majority of all the Justices of said court concurring,) to subscribe for stock in said road company not exceeding five thousand dollars, and for the County Court of Nelson (a majority of all the Justices of said court concurring,) to subscribe for stock in said road company not exceeding three thousand dollars; and should the County Court of either or both of said counties subscribe for stock in said road company, a tax shall be levied by said county or courts, (on the *ad valorem* principle,) on the taxable property of their respective counties, from time to time, as may be necessary to meet the calls of said road company; and they shall require the Sheriff of such county to collect the same, the said court or courts making to him a suitable allowance for the same.

Sec. 3. That for each two shares of stock subscribed and paid for in said road company by any person residing in one and one half miles of the road, as finally located, such person shall have one hand exempted from working on any public road, so long as he, she or they shall continue to reside, or keep any hands, within said distance of said road.

Approved March 4, 1850.

CHAPTER 259.

AN ACT to authorize the Montgomery County Court to subscribe stock in certain Turnpike Roads.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Montgomery county shall have power, by an *ad valorem* tax on property now taxable, or by increasing the county levy, or by both, to raise such sum or sums of money, from time to time, as the said court shall, in its discretion, deem necessary for the purpose of making subscriptions for stock in the Winchester and Mountsterling Turnpike Road Company, and in the turnpike road from Mountsterling to Owingsville, and in the turnpike road from Mountsterling to North Middletown, and in such other turnpike or plank roads which may be incorporated in said county by the

1850.

General Assembly: *Provided, however,* that the sum or sums so raised shall not exceed five thousand dollars to either one of said roads.

SEC. 2. The power above given shall only be exercised by the said court, as regards the number of members, which can lay a levy for the county; and that all sums levied by virtue of this act, shall be collected and accounted for by the same officer who collects the revenue tax of said county for the time being, with like authority and responsibilities which appertain to said officer in the collection of said revenue tax.

SEC. 3. That said court shall not levy said tax for the purposes above mentioned until it shall be ascertained by petition, or by popular vote, that a majority of the qualified voters of said county is in favor of such subscription of stock.

Approved March 4, 1850.

CHAPTER 261.

AN ACT to amend the act authorizing the establishment of a State road from Pembroke to Green river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act, approved February 26, 1849, authorizing a State road from Pembroke to Green river be so amended, as that, from the point on the Todd county line, near the lands of Thomas Reffer, (at which point the road leading from Pembroke strikes said line,) the route for a county road, as reviewed by commissioners appointed by the Todd County Court, from said point by Armstrong's mill, and thence along the present road to near the upper corner of the fence of Collier Butler, near the base of the bluff or knob; thence around said bluff to and along the route as reviewed and marked out, to the Muhlenburg county line, by the commissioners appointed by the act, approved February 10, 1848, authorizing the establishing of the Cumberland river, Fairview, and Green river road, be and the same is hereby established as the route of the Pembroke and Green river, or Cumberland river, Fairview, and Green river road, so far as said road passes through Todd county, according to the provisions of said last recited act, and in lieu of the routes as designated in said acts above referred to.

Approved March 4, 1850.

CHAPTER 262.

AN ACT for the benefit of the Methodist Episcopal Church, South, at Mount Zion, in Clarke county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the Methodist Episcopal

Church, South, of Mount Zion, in Clarke county, be and are hereby clothed with full power and authority to convey the title to the ground on which their old church stands to Andrew Ramsey, in confirmation of their sale to him of said ground, and that they may convey the same as Trustees of said church.

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Approved March 4, 1850.

CHAPTER 263.

AN ACT for the benefit of F. G. Everet.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it being made manifest by a settlement between Lewis Bagret, Treasurer of that portion of the turnpike road from Louisville to Nashville, which lies between Elizabethtown and Bell's Tavern, and F. G. Everet, one of the sub-contractors on said road, that said Everet is entitled to eleven hundred and ninety four dollars and eleven cents for work and labor done, and materials furnished on said road; and that according to the laws under which the contract was made, that one third of the amount for said work and labor and materials was to be discharged in shares of the stock of said road; it is hereby directed, that whenever the said F. G. Everet shall present to the Board of Internal Improvement satisfactory evidence of his having taken and received three hundred and ninety eight dollars three and two third cents in shares of the stock of said road, then the said Board of Internal Improvement shall cause the sum of seven hundred and ninety six dollars and nine and two third cents to be paid to said Everet, out of any money in the Treasury not otherwise appropriated: *Provided*, said Everet first execute a receipt in full to said Board for all work and labor done, and material furnished, on said road.

Approved March 4, 1850.

CHAPTER 264.

AN ACT to incorporate the Hart and Green County Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be formed, under the name and style of the Hart and Green County Turnpike Road Company, for the purpose of forming an artificial road from the turnpike road leading from Bardstons to Glasgow, in Hart county, near Green's Tavern in said county, to the Green county line, to intersect the road leading from Greensburg to said turnpike road, by the nearest and most practicable route.

SEC. 2. The capital stock of said Company shall be for-

Name & style
of company, &c.

1850. ty thousand dollars, divided into shares of fifty dollars each.

Books to be opened for the subscription of stock, &c.

Commissioners.

Obligation of subscribers.

SEC. 3. That books for the subscription of stock shall be opened at such times and places as may be agreed upon by the following Commissioners, viz: Wm. Hare, David Maxey, Harrison Powell, Nathan Gooch, Hugh Mitchell, James Anderson, Wm. Curl, Joshua Brents, or a majority of them. Said Commissioners shall procure one or more books, and the subscribers to the stock of said Company shall sign therein the following obligation; viz: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company, of the Hart and Green County Turnpike Road Company; the sum of fifty dollars for each and every share of stock in said Company set opposite our respective names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said Company, and agreeably to an act of the General Assembly of Kentucky incorporating said Company, witness our hands this — day of —, 18—." Said Commissioners shall give notice of the time and place of opening the books for the subscription of stock, by written advertisement posted at Greensburg, Glasgow, Munfordsville, Woodsonville, and such other public places as deemed advisable. The books may continue open until the amount of capital stock be subscribed.

May erect gate when five miles are done.

SEC. 4. Whenever five continuous miles of said road shall be completed, the Company may erect a toll gate and charge toll.

Company to be organized when stock for five miles is subscribed, &c.

SEC. 5. That said Company may be organized so soon as, in the opinion of said Commissioners, or a majority of them, there shall have been subscribed stock enough to construct five miles of the road; and so soon as said Company is organized, by the election of officers, the President and Directors shall possess all the powers, rights, and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing the same; and may have and enjoy all the rights and privileges, and be subject to all the duties and restrictions, as are given and granted to the Lebanon, New Market, and Springfield Turnpike Road Company, by an act, approved February 18, 1848, except as herein provided; and all the provisions of said act, except so far as they may be local in their application or conflict with this charter, are hereby enacted as part of this act.

Corporate powers & privileges.

May construct said road of plank, &c.

SEC. 6. That when said Company is organized, they may have the power and authority to construct said road with stone, gravel, or plank, as said Company may deem best. The Legislature hereby reserves the power to alter or amend this charter.

CHAPTER 265.

1850.

AN ACT to incorporate the Green and Adair county Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the Green and Adair county Turnpike Road Company, for the purpose of forming an artificial road from Greensburg to Columbia, in Adair county, with stone, gravel, and plank, by the nearest and most practicable route.

Name & style,
&c.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

SEC. 3. That books for the subscription of stock in said company shall be opened at such times and places as may be agreed upon by the commissioners hereinafter named, viz: at Columbia, Junius Caldwell, Josiah Hunter, Thomas R. Dohoney, Josiah Harris, Milton P. Wheat; at Haskinsville, George W. Cole, Robert Haskins, James Cowherd, and John Irvin; at Greensburg, William B. Fairman, Charles Patterson, Richard A. Taylor, J. M. S. McCorkle, William Holson, John J. Roach, and Amasa DeLong, or some one or more of them, who are appointed Commissioners. The said Commissioners shall procure one or more books, and the subscribers to the stock of said company shall sign the following obligation in such book or books, viz: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company, of the Green and Adair County Turnpike Road Company, the sum of fifty dollars for each and every share of stock in said company set opposite our respective names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said company, and agreeably to an act of the General Assembly of Kentucky incorporating said company. Witness our hands
day of , 18 ."

Books to be
opened for the
subscription of
stock.

Com'rs.

Obligation of
subscribers.

The said Commissioners shall give notice of the time and place of opening the books for the subscription of stock, by written advertisement posted at Columbia, Haskinsville, and Greensburg, and such other public places in Green and Adair counties as deemed advisable; the books may continue open until the amount of capital stock be subscribed.

Com'rs to give
notice of time
of opening the
books.

SEC. 4. Whenever five continuous miles of said road shall be completed, the company may erect a toll gate and charge toll; neither gate to be nearer than one mile of Columbia and one mile of Greensburg.

May erect gate
when five miles
are finished.

SEC. 5. That if the construction of the road, provided for by this act, shall not be commenced within ten years from the passage hereof, the rights, privileges, and immunities, hereby granted, shall be void to all intents and purposes.

Road to be
commenced in
ten years, or act
void.

SEC. 6. That so soon as said company is organized, by

1850.

When officers
are elected, the
route to be se-
lected, &c.

Corporate
powers & priv-
ileges.

the election of officers, the President and Directors shall possess all the powers, rights, and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing the same; and may have and enjoy all the rights and privileges, and subject to all the duties, qualifications, and restrictions, as are given and granted to the Lebanon, New Market, and Springfield Turnpike Road Company, by an act, approved February 18, 1848, except as herein provided; and all the provisions of said act (except so far as they may be local in their application, or conflict with this charter,) are hereby enacted as part of this act.

Approved March 4, 1850.

CHAPTER 267.

AN ACT to authorize the proprietor of the town of Monterey to convey title to the lots in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for George C. Branham, proprietor of the town of Monterey, in Owen county, to make deeds of conveyance to the purchasers of lots in said town, and said deeds shall be as effectual to pass title as if the same were made by the Trustees of said town.

Approved March 4, 1850.

CHAPTER 268.

AN ACT to define the civil jurisdiction of the Police Judge of the town of Owenton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the jurisdiction of the Police Judge of the town of Owenton, in civil cases, shall be equal to that of a Justice of the Peace for the county of Owen within said county, and he shall be entitled to receive the same fees for his services therein that Justices of the Peace are now entitled to receive for like services; and it shall be lawful for any Constable, or other officer, who may be by law authorized to execute process issued by a Justice of the Peace, under like regulations and restrictions, to execute the process issued by the said Police Judge.

SEC. 2. *Be it further enacted,* That in case of the absence of the Police Judge of the town of Owenton, or his refusal or inability to act, it shall be lawful for any Justice of the Peace, for the county of Owen, to issue his warrant for, and adjudicate upon, any violation of the by-laws or ordinances of said town.

Approved March 4, 1850

CHAPTER 269.

1850.

AN ACT for the benefit of John and Martha Fitzpatrick.

Whereas, it is represented to this General Assembly, that Jefferson Gilmore and wife, David Lee and wife, John Fitzpatrick and wife, and Henry D. Gilmore and Keziah Gilmore, heirs at law and legal representatives of James Gilmore, deceased, have sold and conveyed to Cyrenius W. Gilmore, of Pulaski county, Kentucky, all their interests in a tract of land on Locust creek, in Carroll county, Kentucky, containing five hundred acres; which sale, so far as Henry D. and Keziah Gilmore are concerned, (they being infants,) is authorized by an act, approved February 12th, 1849, and it now being represented that Martha J. Fitzpatrick is also an infant under twenty one years of age, and is desirous, with the other parties to said deed of conveyance, that the same be confirmed. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said sale and conveyance, as to the said Martha Fitzpatrick, be and is hereby confirmed and made binding on her, the same as if she had been of the full age of twenty one years when said sale and conveyance was made.

Approved March 4, 1850.

CHAPTER 270.

AN ACT for the benefit of Jinny Raney.

Whereas, Michael, *alias* Michael Raney, a free man of color, late of Simpson county, purchased his wife Jinny, *alias* Jinny Raney, for the purpose of setting her free, but died without doing so, and without issue, and she has for many years been hired out by the administrator of said Michael; and, whereas, it is represented that the amount for which she has hired and the proceeds of the sale of the goods and chattels of said Michael are more than sufficient to pay all his debts, and doubts exist whether said woman Jinny and the proceeds of her hire do or not vest in or escheat to the Commonwealth. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Jinny, *alias* Jinny Raney, be and she is hereby declared a free woman, so far as any claim to her exists in this Commonwealth by escheat or otherwise, and that she is hereby, so far as this Commonwealth is concerned, entitled to all moneys arising from her hire, except so much as may be necessary, after exhausting the goods and chattels of said Michael, for the payment of his debts, saving to the just creditors of said Michael all claims they may have upon said Jinny and her hire for the payment of their debts.

Approved March 4, 1850.

1850.

CHAPTER 271.

AN ACT to amend an act, entitled, an act to incorporate Funk Seminary.

Trustees of
Seminary vest-
ed with univer-
sity powers, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the charter of Funk Seminary, situated at Lagrange, in Oldham county, be so amended as to vest in the Trustees of said institution all the powers which, by law, pertain to a University, and that said institution be entitled, in addition to its present name, to that of the Masonic University of Kentucky; and said Trustees, by that name, be created a body politic and corporate, with such successions as provided for in the existing charter, and with power to hold necessary real and personal estate, contract and be contracted with, sue and be sued, implead and be impleaded, both at law and in equity, in the courts of this Commonwealth.

May receive &
hold property by
gift, devise, &c.

SEC. 2. That said Trustees, and their successors, shall and may at all times hereafter be capable in law to have, hold, receive, take, and retain, to them and their successors forever, for the use and benefit of said University, any property, real, personal, or mixed, by purchase, gift, grant, devise, bequest, or otherwise, in trust or in fee simple, from any person or persons, bodies corporate and politic: *Provided always*, that the amount shall be so limited as that the annual income thereof to the said University shall not exceed fifty thousand dollars.

President and
Trustees may
confer degrees.

SEC. 3. That the President and Trustees of said University shall have power to confer degrees in any and all the faculties, arts, sciences, and liberal professions, and, also, the honorary degrees usually conferred in any of the Colleges and Universities in the United States.

No party, reli-
gious or politi-
cal tenets to be
taught.

SEC. 4. That the said University, recognizing the being and government of Almighty God, shall be founded and continued on the plan of the great social and political institutions of the United States, having respect to the liberal and enlightening principles on which they are founded, and that no laws, rules, or regulations, of a sectarian or party character, either in religion or politics, shall ever be adopted or imposed by which any student shall be subjected or made liable to any disabilities or disadvantages whatever on account of his political or religious opinions.

May confer de-
gree of Magister
Docendi.

SEC. 5. That the President, with the consent and approbation of said Trustees, shall have power to confer the title of *Magister Docendi* upon such students as, upon examination in the presence of the Trustees, or a committee by them appointed, shall be found qualified to act as teachers, and shall be found worthy of the honor. That all diplomas shall be signed by the President and Trustees, or a committee of such Trustees, under the corporate seal of said University.

SEC. 6. That instruction, both theoretical and practical, shall be furnished at the said University in the art of school

keeping, and a register of the names of persons desiring to become teachers in the State of Kentucky, shall be kept in the Library of the said University; and all who may wish to employ teachers shall have access to the said register, together with all the particulars pertaining to the qualifications of the candidate for teaching.

1850.

Art of teaching to be inculcated, and register of graduates kept.

SEC. 7. That the President of the said University shall nominate, and by and with the advice and consent of the Board of Trustees, shall appoint as many Professors and Teachers as the Trustees may deem necessary to advance the cause of education and the welfare of the University.

President and Trustees to appoint professors.

Approved March 4, 1850.

CHAPTER 272.

AN ACT to amend the charter of Williamstown, in Grant county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the inhabitants of the town of Williamstown, the county seat of Grant, be and the same are hereby incorporated and made a body politic and corporate, under the name and style of "the town of Williamstown," with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and to do and perform all such other acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully and lawfully do and perform.

Corporate name & style.

SEC. 2. That on the first Monday in April next, and on the first Monday in April annually, thereafter, an election shall be held in said town for the choice of Chairman and six Trustees for said town, to serve for the ensuing twelve months, and until their successors are duly elected; and at said elections, all free white male residents of said town, of the age of twenty one years and upwards, and all free white persons, holding real estate, either by a legal or equitable title within the limits of said town, shall be entitled to vote; and said elections shall be held at the Court House in said town, until otherwise ordered by said Board of Trustees of said town; and at the first election, the officers thereof shall be appointed by such voters as may be present at the time of opening the polls, and annually thereafter by the Board of Trustees: *Provided*, that should any officer appointed fail or refuse to act at an election, the others may fill the vacancy.

Chairman and Trustees to be elected annually.

SEC. 3. The Chairman and Board of Trustees shall be chosen from among the free white male voters of said town; and, before entering on the performance of the duties of their stations, shall exhibit a certificate of their election from the judges holding the election, and each take an oath honestly and faithfully to perform their duties

Qualifications of Chairman & Trustees and voters.

1850.

Powers and
duties of Trustees.

as such. And the Board of Trustees shall have power, from time to time, to create by-laws for the government of said town; for the preservation of good order, decency, and decorum, within the limits of said town; for the preservation of the peace, health, lives, and property of the inhabitants, and others, within said town; for the preservation, repair, and improvement of the streets and alleys of said town; and for all such other matters as properly come within the police of an incorporated town; and shall have power to provide punishments for all violations of their by-laws by fine or imprisonment, or both. They shall, from year to year, lay and provide for the collection of a tax on the inhabitants and property within said town not exceeding fifty cents per annum, on each one hundred dollars worth of taxable property, and not more than fifty cents per annum for each titheable, to be expended by them in the necessary outlays attending the good government of said town, and for the repair, improvement, and preservation of the streets and alleys of said town: *Provided*, that no by-laws shall be passed which, in any wise, conflicts with the constitution and laws of this Commonwealth, or of the United States. They shall, at the first meeting, regulate the time and place of their meetings, and shall have power to change the same from time to time; to fill all vacancies that may occur in their own body, and may enact a law to compel the attendance of absent members. They shall annually appoint such persons as shall be recommended by a majority of the voters, at the annual town elections, to fill the office of Town Clerk, Town Treasurer, and Town Marshal; and regulate the amount of the penalties of their several bonds, payable to the corporation, if any shall be deemed necessary; and fill all vacancies that may occur in either of said offices. The Chairman shall preside at the several meetings of the Board, but shall have no vote except in case of a tie, or where his vote will make a majority. He shall take care that all town laws be faithfully executed; call extra meetings of the Board, when necessary; and in case of his absence, death, or resignation, the Board of Trustees shall appoint one of its own members to fill his place *pro tempore*; and the Board of Trustees shall define the duties of the Town Clerk and Treasurer, and, from time to time, fix their emoluments and fees, as well as the emoluments of the Chairman and Marshal.

By-laws not
to conflict with
the Constitution

Clerk, Treasurer
& Marshal
to be appointed,
&c.

Chairman's
duties.

Trustees to define
the duties of
Clerk and Treasurer.

Marshal's
duties.

Quorum, vacancies,
& how filled.

SEC. 4. That the Town Marshal shall perform such duties as may be required of him by the Board of Trustees, and execute all process which may be requisite for the enforcement of the by-laws of said town.

SEC. 5. That a majority of the Board of Trustees shall be a quorum to transact business, but a less number may adjourn from day to day; fill vacancies in their own body, and compel the attendance of absent members.

SEC. 6. That there is hereby established, in the said town of Williamstown the office of Police Judge; and a Police Judge for said town shall be appointed, commissioned by the Governor of this Commonwealth, by and with the advice and consent of the Senate, who shall hold his office so long as he shall behave well therein; and who shall, before he enters upon the duties of his office, take an oath before some Justice of the Peace for Grant county, faithfully and impartially, to the best of his ability, to discharge the duties of his office.

SEC. 7. That the said Police Judge shall have jurisdiction, within said town, of civil causes, to the same extent that the Justices of the Peace now have in this Commonwealth; and shall have the same jurisdiction of crimes and misdemeanors, committed within said county of Grant, that Justices of the Peace now have; and, in criminal and penal cases, he shall have the jurisdiction now given by law to two Justices of the Peace within said county; and shall have full jurisdiction within said town of all offences against the by-laws and ordinances of said town; and shall have power to enter judgments and issue executions for all fines and penalties for such offences; and his executions may be levied by the Marshal of said town in any part of said county, or by the proper officers in any county in this Commonwealth. He shall have power to grant attachments and injunctions, and writs of *ne exeat* and *habeas corpus* to the same extent as the Justices of the Peace selected by the County Courts now have in said county of Grant; he shall keep a record of his proceedings, copies of which shall be evidence to the same extent that copies of the records of Justices of the Peace now are; he shall have power to issue original process in all cases before him, subpoenas for witnesses, and attachments to compel the attendance of witnesses before him, to the same extent that Justices of the Peace now have; and to punish all contempts against his authority by fines, not exceeding five dollars in each case, and by imprisonment not exceeding six hours. He shall have power to order the Marshal to summon a jury in cases cognizable before him, when a jury is required by law. He shall have the same power to issue attachments for debt, within the county of Grant, that Justices of the Peace now have; to take and certify depositions, which shall be allowed to be read as depositions are now allowed to be read, taken before and certified by Justices of the Peace; to administer oaths and certify the same, when necessary, in all cases where an oath is provided for by law; and he shall be entitled to the following fees, viz: For a peace warrant, fifty cents; for a warrant in cases of riot, rout, or unlawful assembly, or breach of the peace, fifty cents; for a warrant for a violation of any by-laws or ordinance of said town, thirty cents;

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Police Judge
to be appointed.

To take oath.

Police Judge,
his jurisdiction,
powers, duties,
&c.

1850.

for swearing a jury and presiding over a trial, fifty cents; for subpoenas, fifteen cents, each; for original judgments, in all civil cases, twenty five cents; for granting an attachment, injunction, writ of *ne exeat*, or *habeas corpus*, fifty cents; in all other cases, except in a trial before him, ten cents; all other fees shall be the same as Justices of the Peace, for like acts; and he shall have the same power to issue fee bills that Justices of the Peace now have, and they shall be collectable in the same way. He shall have jurisdiction of motions and suits against the Treasurer, Marshal, Clerk, and other officers, of said town, for all the delinquencies of said officers: *Provided*, that all process issued by said Police Judge shall run in the name of the Commonwealth.

Appeals from
Police Judge's
decisions, &c.

SEC. 8. That appeals from all judgments rendered by said Police Judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals, as appeals are now allowed from judgments of Justices of the Peace.

Marshal's fees.

SEC. 9. That the Marshal of the said town shall be entitled to a fee of fifty cents, for each defendant, for executing a warrant for a violation of any of the by-laws or ordinances of said town; and in all other cases his fees and commissions shall be the same as those of Constables for similar services; and he shall collect them in the same manner; and he shall, by himself, or deputy duly qualified, execute all the processes of the Police Judge within the county of Grant.

Repealing
clause.

SEC. 10. That all acts or parts of acts, relating to the town of Williamstown, coming within the purview of this act, be and the same are hereby repealed.

Litigants be-
fore the Police
Judge may have
venue changed.

SEC. 11. All litigants before said Police Judge shall, for the same causes and upon the same conditions, have a right to a change of venue to any Justice's court for said county, as now provided by law for litigants in Justices courts in this Commonwealth.

Approved March 4, 1850.

CHAPTER 273.

AN ACT to incorporate the Maysville and Lexington Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all persons who shall become stockholders, pursuant to this act, in the company hereby authorized, shall be and are hereby made a body corporate, under the name of "The Maysville and Lexington Railroad Company," with power to construct and maintain a railway, with a double or single tract, with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point in or near the city

of Maysville, in Mason county, thence by the most practicable route to or near the city of Lexington, and such point therein as may be fixed by said company with the consent of the city Council of Lexington.

1850.

SEC. 2. The capital stock of said company shall be one million of dollars, to be increased, if necessary, to complete the road and purchase the necessary depots at each end, and along the line of the road; which capital stock shall be divided into shares of fifty dollars each, and be deemed personal property.

Capital stock.

SEC. 3. John Armstrong, Hiram T. Pearce, R. Collins, William S. Allen, William V. Morris, A. M. Jannary, Abner Hord, Christian Schultz, T. Y. Payne, A. A. Wadsworth, Marshall Key, Thomas M. Foreman, Samuel B. Poyntz, and Francis T. Hord, of Mason county and Maysville; and G. W. Williams, Garrett Davis, Charles Talbott, of Bourbon county; John Dougherty, Hiram Norton, Wm. Norvell, and J. F. McMillan, of Nicholas county; G. Robertson, John Norton, Henry Bell, Benj. Gratz, M. C. Johnson, and Leslie Combs, of Lexington, shall be Commissioners for receiving subscriptions to the capital stock of the corporation, agreeably to the provisions of this act.

Names of the Com'rs to open books.

SEC. 4. It shall be the duty of said Commissioners, or any three of them, within twelve months after the passage of this act, to give notice in one or more papers in Maysville, Lexington, Paris, &c., and in such other newspapers as may be deemed proper, once in a week, for three weeks in succession, of the time and place of opening books for the subscription to said stock; and they shall open books at all such places as they may deem fit; at each of all places specified, one or more of said Commissioners shall attend, on the day fixed, and for three or more days successively, and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of said company, from all persons or companies who will subscribe thereto, in conformity with the provisions of this act.

Com'rs to give notice and open books for the subscription of stock.

SEC. 5. Each subscriber, at the time he subscribes, shall pay to the said Commissioners, or to their agents appointed to receive such subscription, either in money or a note negotiable and payable at some bank at sixty days date, or longer, at the option of said Commissioners or their agents, the sum of two dollars on every share subscribed by him, and the residue thereof shall be paid in such installments, and at such times, as may be required by the President and Directors of said company.

Subscribers to pay installment when they subscribe.

SEC. 6. If, at the expiration of the time mentioned in the 4th section of this act, (viz: three days,) it shall appear that one hundred thousand dollars, or more, shall have been subscribed to the capital stock of the corporation, or as soon thereafter as one hundred thousand dollars, or up-

When stock to be subscribed &c.

1850.

Meeting of
stockholders to
be called, &c.

wards, shall have been subscribed to the capital stock of said corporation, the books shall be closed.

Directors to
be elected—Pre-
sident to be
elected by Di-
rectors.

SEC. 7. As soon as may be, after closing the books, the Commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of Directors; such notice shall be published in one or more papers of general circulation, as may be along the line or route of said road, and in the papers published in Lexington, Paris, and Maysville. At the time and place appointed for such election, the Commissioners, or three or more of them, shall attend and lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them then present in person, or by proxy, shall, from among the stockholders, elect six Directors, by ballot, to manage the affairs of the company; and these six Directors, or a majority of them, shall have the power of electing a President of said company, either from among the Directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions whereon a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him, her, or it; and every stockholder may, in writing, depute any other person to vote for him, her or it, as his, -her or its proxy; and the Commissioners aforesaid, or any three or more of them, shall be judges of the said first election of Directors. All subsequent elections shall be conducted in the manner prescribed by the by-laws of said corporation.

Proxies.

SEC. 8. In all elections by the stockholders, a majority of the shares voted shall determine the choice.

Directors to
hold office one
year.

SEC. 9. The Directors shall hold their offices for one year, and until others shall be elected in their stead; they shall appoint a President, as directed in section seven, and some suitable person as Secretary of the corporation; they shall, moreover, appoint all such officers and agents as the convenience of the Company may require.

Directors to
have routes ex-
amined and sur-
veyed.

SEC. 10. The Directors shall have power to cause all necessary examinations and surveys of the route for said railroad to be made; and shall select the route on which said road shall be constructed. But if said Directors, after having selected a route for said railway, find any obstacle to continuing said location, either by the difficulty of construction, or procuring right of way at reasonable cost, or whenever a better or cheaper route can be had, they shall have authority to vary the route and change the location.

May purchase
and hold real es-
tate, &c.

SEC. 11. The corporation is hereby empowered to purchase, receive, and hold such real estate as may be necessary and convenient in accomplishing the object for which the corporation is granted; and may, by their agents, engineers, and surveyors, enter upon such route, place, or

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places selected, as aforesaid, by their Directors, as the line whereon to construct said railroad; and it shall be lawful for the said corporation to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of said railroad, and the accommodations requisite to, and appertaining unto them; and may also receive, hold, and take all such voluntary grants and donations of lands and real estate as may be made to said corporation to aid in the construction, maintenance, or accommodation of said road or ways; but all lands or real estate, thus entered upon and used by said corporation, and all earth, timber, stone, gravel, and other materials, needed by said company, shall be purchased of the owners thereof, at a price to be mutually agreed upon between them; and in case of any disagreement of the owner, as to the price of any lands or materials so required for said road, or if the owners are under any disability, in law, from any cause whatever to contract, or are absent from the county, application may be made, either by said owners or by said corporation, to any Judge of Circuit Court, or any Justice of County Court, within which said lands or materials so required, or already appropriated, may be, (specifying the lands or materials,) and, thereupon, said Judge or Justice shall issue his warrant, in writing, directed to the Sheriff of the county, requiring him to summon an inquest of twenty inhabitants of said county, who shall not be stockholders, nor related to the owner of the lands, materials, &c., or in any wise interested, to meet at or near said lands or materials so to be valued, on a day named in said warrant, not less than five nor more than ten days after issuing the same; and if, at said time and place, any of said jurors summoned do not attend, the said Sheriff shall summon immediately as many jurors as may be necessary, with the jurors in attendance, to furnish a panel of twenty jurors attending; and from them each party, or its, his, her, or their agent, if either be not present in person or by agent, the Sheriff for him, her, or it, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath, or affirmation, as the case may be, that they shall justly value the damages which the several owners will sustain by the use or occupation of the lands, or materials, or property required by said company; and said inquest shall reduce their valuation to writing and sign and seal the same; it shall then be returned by said Sheriff to the Clerk of the Circuit Court for said county, and by such Clerk filed in his office, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed, shall be recorded by said Clerk at the expense of said company; but if set aside, the court

May receive
grants, &c.

Lands & materials to be purchased.

Lands, &c., to be condemned.

1850.

Property to
be valued and
paid for.

may direct another inquisition to be taken, in the same manner above prescribed, and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest on the same, valued for the company; and such valuation, when paid, or tendered to the owner or owners of said property, or his, her, or their legal representatives, shall entitle the said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners thereof; and if the owner or owners be not found it shall be sufficient if the valuation be deposited in any specie paying Bank to the credit of them, or their proper legal representatives; and every Sheriff and juror acting in the premises shall receive one dollar per day for his services, to be paid on the first inquest by the said company, but upon all second or future inquests, as to the said court may seem just.

May construct
road along or
across any road
or water course.

SEC. 12. Whenever it shall be necessary for the construction of the railroad to intersect or cross any stream of water, or water course, or any road or highway lying in or across the route of said road, it shall be lawful for the corporation to construct the said railway across or upon the stream, or to cut or cross any such road or highway, and to change the location thereof during the process of the construction of said railway; but the corporation shall restore the stream, or water course, or road or highway, thus intersected, to its former state, or in a sufficient manner not to destroy its usefulness; and shall restore any road at a grade not exceeding the heaviest grade upon said road existing at the present time.

Branches may
be constructed.

SEC. 13. The said corporation shall have power to locate and construct branch roads from the main route, to any other towns or places in the several counties through or near which said road may pass—not destroying the vested rights of other corporations.

Calls on stock.

SEC. 14. It shall be lawful for the Directors to require payment of the sums to be subscribed to the capital stock, at such times and in such instalments as they shall see fit; and if instalments remain unpaid for sixty days after the time of payment has elapsed, the Board may collect the same by suit; or shall have power to sell the stock at public auction for instalments then due, (giving twenty days' notice of the time and place of sale, by advertisement in a newspaper in general circulation in the county where such sale is to be made,) and costs of making said sale, and the residue of the price obtained shall be paid over to the former owner.

May charge for
transportation,
&c.

SEC. 15. That said company may demand and receive for tolls upon, and transportation of goods, produce, or property of any kind whatever, by them along said Railway, any sum not exceeding the following rates: on all

goods, merchandise, or property of any description, transported by them, a sum not exceeding one and a half cents per mile for toll; five cents per ton, per mile, for transportation; and for the transportation of passengers, not exceeding four cents per mile for each passenger.

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SEC. 16. If the subscribers to the company hereby created shall not become so far organized as to elect a Board of Directors within two years from the passage of this act, and within eighteen months thereafter, make *bona fide* contracts for the construction of at least one-sixth of said road, the privileges of said corporation shall cease, and this act be void.

Contracts to be made.

SEC. 17. That any other Railroad Company which has been, or may hereafter be, chartered by law of this State, may join and connect any railroad with the road hereby contemplated, and full right and privilege is hereby reserved to the State, or individuals, or any company incorporated by law of this State, to cross this road: *Provided*, any other railroad connecting with the road hereby provided for shall lead from the main route and diverge therefrom at an angle of twenty degrees or more: *And, provided*, that in forming such connection, or in crossing the said road, no injury be done to the works of the company hereby incorporated.

Other railroads may connect with this.

SEC. 18. That any road connecting with the road hereby incorporated, shall have their cars drawn on the said road by the Maysville and Lexington Railroad Company, without delay and without unloading, on such terms as said company may agree upon, and on the payment of the proper tolls, the said Maysville and Lexington Railroad Company furnishing the motive power at a reasonable price.

Cars of connecting roads to be taken on without delay.

SEC. 19. That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper of the net profits arising from the resources of said company, after deducting the necessary current and probable contingent expenses; and shall divide the same amongst the stockholders of said company, in proportion to their respective shares.

Dividends to be declared.

SEC. 20. That when any vacancy shall occur in the Board of Directors of the company, by death, resignation, or other cause, the Board remaining shall have power to fill such vacancy; and the person or persons, so appointed, shall continue in office until the next annual election for Directors of said company.

Vacancies to be filled.

SEC. 21. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving public notice for thirty days of the time and

General meetings of stockholders.

1850.

Quorum.

place of holding the same, which shall be at some place in Maysville, named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if, at any such called meetings, a majority (in value) of the stockholders of said company are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days; and if, within said three days, stockholders having a majority (in value) of the stock subscribed, do not then attend, such meeting shall be dissolved.

President and
Directors to
make annual re-
ports to stock-
holders.

SEC. 22. At the regular meeting of the stockholders of said company, it shall be the duty of the President and Directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, or a majority (in value) of the attending stockholders may require similar statements from the President and Directors, who shall furnish them when so required; and at all general meetings of the stockholders, a majority (in value) of all the stockholders in said company may remove from office the President or any of the Directors of said company, and fill up vacancies thus created, in the same way, and to the same extent, that they could do at their stated annual meetings.

President and
Directors to
take oath.

SEC. 23. Every President and Director of said company, before he acts as such, shall swear or affirm, (as the case may be,) before some person authorized to administer oaths, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

May re-open
books for sub-
scriptions of
stock.

SEC. 24. That if any of the stock created by virtue of this act, shall remain unsubscribed until after the election of the President and Directors, as provided for in the seventh section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said Company which may remain unsubscribed for, or to sell, or to dispose of such unsubscribed stock for the benefit of said Company, for any sum not under its par value; (unless by consent of a majority (in value) of the stockholders;) and the purchasers or subscribers of said stock shall have all the rights, powers, and privileges of original subscribers, and shall be subject to the same regulations; and if the exigencies of the Company should require the payment on the stock to be made more rapidly than is provided for herein, or should the President and Directors, or a majority of the whole number elected, consider it expedient for the purpose of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said Company, a sum of

May borrow
money.

money not exceeding five hundred thousand dollars, and shall have power to pledge the property of the Company for the payment thereof.

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SEC. 25. That the said Maysville and Lexington Railroad Company, so as aforesaid formed, shall have perpetual succession of members; may have a common seal, may sue and be sued, plead and be impleaded, in any court of law or equity; and the President and Directors thereof may make all such rules, regulations, and by-laws, as are necessary or proper for the government of the corporation, or effecting the object for which it is created: *Provided*, such rules, regulations, and by-laws shall not be repugnant to the laws and constitution of this State, or of the United States; and said President and Directors shall let out all contracts for the construction of said road, and for the purchase of materials, cars, engines, &c., and for the erection of all necessary and convenient buildings.

Corporate existence and general powers.

SEC. 26. That if any person or persons shall willfully, by any means whatsoever, injure, impair, or destroy any part of any railroad constructed for said Company under this act, or any of their necessary works, buildings, carriages, vehicles, or machinery of said Company, such person or persons so offending, shall each of them, for every offence, forfeit and pay to the said Company a sum equal to twice the value of the property destroyed or injured, or twice the damages sustained by said Company by reason thereof; which may be recovered in the name of said Company, by action in the Circuit Court of the county wherein the offence shall be committed; and such offender shall also be subject to indictment in said Court, and upon conviction of such offence, shall be punished by imprisonment not less than six months nor more than four years, in the discretion of a jury.

Penalty for injury to property of road company.

SEC. 27. That the President and Directors of said Company shall cause to be paid into the Treasury of this Commonwealth, a tax of six cents annually, upon each two shares of stock owned and held by any stockholder of said Company, the same to be collected as now, or hereafter may be, provided by law for the collection of the State revenue: *Provided*, that no citizen of this Commonwealth shall be required to list any share he may hold in said road under the equalization law; the tax imposed by this act shall be collected only upon the cost of this road, as the said road is completed and put in use, carrying freight and passengers for pay.

Amount of State tax to be paid, fixed.

SEC. 28. That the cities of Maysville and Lexington, and the counties of Mason, Nicholas, Bourbon and Fayette, and any other city, county, or corporation, be and they are hereby permitted to hold stock in the corporation created by this act, upon the same terms, on the same conditions, and subject to the same restrictions, with other stockhol-

Cities of Lexington, Maysville, &c., may take stock.

1850.

ders : *Provided*, the amount by said several cities, counties, and corporations, separately subscribed, shall not, in any single instance, exceed the following sums : by Maysville, one hundred and fifty thousand dollars ; by Lexington, one hundred and fifty thousand dollars ; by Maysville and Mason county, jointly, one hundred and fifty thousand dollars ; by Nicholas county, one hundred thousand dollars ; by Bourbon county, one hundred and fifty thousand dollars ; by Fayette county, two hundred thousand dollars ; and by any other city, county, or corporation, any sum not exceeding the largest amount aforementioned ; and it shall be lawful for the President and Directors of said Company, after giving six weeks notice thereof, by advertisement, in the papers of the said several cities and counties wherein a vote shall be proposed, (or if there be no paper printed in any county in which a vote shall be proposed, then in such paper as may have a general circulation in such county,) upon a day named in said advertisement, to take the sense of the qualified voters of said cities and counties, or any one or more or them, as to the policy of said cities and counties, or any one or more of them, becoming subscribers to the stock in said Railroad Company, to any amount which may have been proposed in said printed notice, not exceeding the respective sums above specified ; and it shall be the duty of the Mayor and Council of each of the cities of Maysville and Lexington, and of the County Courts of the several counties, upon the day named in said printed notice, to open columns in the various precincts of said cities and counties, and take all necessary measures for correctly ascertaining the sense of the qualified voters of their respective cities and counties at the polls thereof as aforesaid ; and provided a majority of all the qualified voters of any of said cities or counties, who shall have cast their votes at said election, shall be in favor of the said several subscriptions of stock, as proposed to such city or county, it shall be the duty of the Mayor and Council of every such city, to pass an ordinance, directing the Mayor, on behalf of such city, to subscribe for any amount of stock provided for in said ordinance, not exceeding the sum specified in said printed notice ; and it shall be the duty of the County Court of every such county, in like manner, to empower and direct their Clerk to subscribe for the amount of stock authorized by the voters of said county, not exceeding the sum specified in said printed notice ; and it shall be lawful for said cities and counties, so authorizing subscriptions to the capital stock of said Company, to raise the amount of their separate subscriptions, as the same shall be called by the President and Directors of said road, by a tax on the real and personal estate of the said several cities and counties subscribing, or by borrowing the amount thereof, payable in the way, and on the terms, the said several Mayors and Councils, and the said several County

Courts may deem most advisable; and the interest on all such sums borrowed may be provided for in such manner as to them seems best: *Provided*, that all taxes laid by any city or county to pay the principal and interest (or either) of the amounts borrowed by them, shall be pledged and sacredly appropriated to such purpose and no other: *And provided*, that all sums paid by any citizen of said cities or counties on account of the several subscriptions of any city or county, or in payment of the interest upon any such subscription, shall entitle him to a certificate for the amount thereof; and when said certificates amount to fifty dollars, shall entitle him to one share in the stock subscribed by his said city or county, for every fifty dollars so held by him: *Provided further*, that the City Council for the city of Maysville may, at any time after the passage of this act, on giving three weeks notice thereof in the newspapers printed in said city, cause a poll to be opened in the three wards of the city, and the sense of the voters taken as to the propriety of said city subscribing to the capital stock of said road, as provided in this charter; and if a majority of those voting are in favor, it shall be the duty of the Board of Council to subscribe the number of shares provided for in this charter, so soon as books shall be opened.

1850.

Approved March 4, 1850.

CHAPTER 274.

AN ACT to incorporate the Drennon's Lick Springs Company, and for other purposes.

Whereas, the proprietors of the Drennon's Lick Springs desire to be incorporated, to the end, that they may the better extend their improvements and render their property and mineral waters more useful to the public at large. Therefore,

Name & style.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That A. O. Smith, and his associates, and such others as may become associated with him, to effect the object stated in the preamble, by the purchase of shares, not exceeding in amount altogether the sum of one hundred thousand dollars, shall be and are hereby constituted a body politic and corporate, to be known by the name and style of the "Drennon's Lick Springs Company," and by that name shall have power perpetual, to sue and be sued, to plead and be impleaded, to defend and be defended, answer and be answered, in all courts of law and equity in this Commonwealth.

Corporators and powers.

Capital stock.

SEC. 2. That the stock in said company shall be divided into shares of one thousand dollars each; and every person who had heretofore or shall hereafter subscribe the sum of

Shares of stock to be \$1,000, & how taken.

1850.

one thousand dollars, and pay the same, or secure the payment, to the satisfaction of the proprietors, and associates, shall be entitled to one share of stock in said company for each one thousand dollars that he shall have heretofore or shall hereafter subscribe and pay, or secure to be paid.

Books of schedule of property to be opened, & value to be fixed, &c.

President and Directors.

Meetings of stockholders.

President and Directors to appoint agent, servants, &c.

Certificates of stock to be issued.

SEC. 3. Books of subscription, with an exact schedule, invoice, and description of the property, annexed, may be opened by A. O. Smith, and his associates, at any time and place they may deem proper; and as soon as the sum stated in the second section of this act be subscribed, or such other less sum as they may fix upon, as the value of the Drennon's Lick Springs property, as described and invoiced, they may proceed to exercise all the powers hereby granted; and said proprietor, and his associates, shall then call a meeting of such stockholders and elect a President and four Directors, who shall each be a shareholder, to manage the fiscal and prudential concerns of said company, and hold their stations two years, and until their successors are duly elected at a biennial meeting of the stockholders, or a meeting called for the purpose by a majority of all the stockholders; and in case of a failure to serve, death, or resignation of either the President or any one of the Directors, the remaining Directors shall appoint another, or others, from time to time, to fill such vacancies; and in all such elections for President and Directors, each stockholder may vote in person or by proxy, and shall be entitled to one vote for each share which he or she may own. The President and two Directors shall constitute a quorum, or three Directors without the President.

SEC. 4. The President and Directors shall have power to appoint and employ such agents, attorneys, superintendents, and servants, as they may deem necessary for the management of their business, allow such salaries or compensation as may be deemed adequate, and the same agents, &c., to dismiss at pleasure; and said President and Directors may make, establish, and put in force such by-laws and rules as they may judge proper: *Provided*, the same be not inconsistent with the constitution and laws of this Commonwealth, or of the United States; and they may alter and amend the same at pleasure—a majority concurring in such alterations or amendments; and they may have and use a common seal, and the same alter or change at pleasure.

SEC. 5. All stock paid for or secured to be paid for, to the proprietor and his associates, certificates shall be issued, under the seal of the corporation, signed by the President and countersigned by the proprietor and his associates; and such certificates of stock shall be transferable on the books of the company, in the usual way, and new stockholders shall be entitled to a new certificate upon a surrender of the old one.

SEC. 6. A full statement of the business, condition, finances, and liabilities of the corporation shall be laid before the stockholders at each biennial meeting, when the books and papers shall also be submitted to their inspection; and such statement and inspection may be, at any time, called for by a majority of the stockholders, in writing, addressed by them to the President and Directors.

1850.
Biennial re-
ports to be
made.

SEC. 7. The President and Directors, on the first Monday of September in each year, shall declare and pay such dividends as the profits warrant, always reserving a fund sufficient to meet the liabilities of the company, and to make such improvements and repairs as may be deemed necessary. But they shall not have power to dispose of any portion of the real estate or buildings, or to lease the same for a period longer than two years, without the concurrence of a majority of all the stockholders, by resolution adopted at a meeting of stockholders called for the special purpose.

Annual divi-
dends directed
to be paid.

SEC. 8. Besides the real estate now possessed, buildings, fixtures, and stock, it may be lawful for said corporation to add to their farm, stock, and real estate, by purchase or otherwise, adjoining parcels of land; to erect warehouses, mechanics shops, factories, and stores, and own such machinery, water craft, and steamboats, as they may deem useful and convenient for their business and for the accommodation of visitors and the public.

May add to
farm, stock, &c.
and erect build-
ings.

SEC. 9. That the said company shall have no power to dispose of the said property, its fixtures, or appurtenances, until the debts of the said company shall have all been paid; and any such sale or disposition of the same is hereby declared void. That all creditors are hereby given a lien upon all the property, of whatsoever kind, belonging to said company, for the payment of their debt or demand against said company. That when it shall appear to the court, in which any bill may be filed by any creditor against said company to enforce said lien, that said company and its property and effects will not be sufficient to pay all its liabilities, then the said court shall take the same steps, and pursue the same course, in bringing all the creditors of the said company before the court, having their claims proved, and in making a pro rata distribution of the proceeds of the property and effects of said company, that is prescribed for the distribution of insolvent decedents' estate, by an act, entitled, an act to regulate the administration and settlement of estates, approved February 20, 1839.

Property not
to be sold until
debts are paid.

SEC. 10. *Be it further enacted*, That the members of "Cumberland Lodge, No. 149," of free and accepted Masons, of Burksville, be and are hereby created a body politic and corporate, by the name and style of Cumberland Lodge, No. 149, with perpetual succession; and by that name shall be capable of contracting and being contract-

Cumberland
Lodge No. 149,
incorporated.

Corporate
powers, &c.

1850.

ed with, of suing and being sued, of answering and being answered, plead and being impleaded, defend, and purchasing and holding all such real and personal estate as may be acquired for the use and accomodation of said Lodge; to receive all necessary conveyances; to sell and convey all such real and personal estate as they now have or may hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Trustees'
names & pow-
ers.

May make
contracts in re-
lation to prop-
erty.

SEC. 11. That the management of the concerns of said Lodge, or corporation, are confided to Thomas T. Alexander, R. C. Logan, and William Sampson, Master and Wardens of said Lodge, and their successors in office, Trustees thereof, who, or a majority of them, shall have full power to make all contracts pertaining to the real or personal estate in any respect, either purchasing, receiving donations, building, renting, or for any other purpose—which shall be binding and obligatory upon said Lodge, when made in pursuance of the rules, by-laws, and instructions of said Lodge; and service of process or notice on any of said Trustees shall be sufficient notice to said Lodge or corporation; they shall have and use a common seal, and to alter the same at pleasure.

May pass by-
laws, &c.

SEC. 12. That said Lodge may, at any time, pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the protection, management, and safe keeping of the property of said Lodge; and any money recovered for any trespass or injury done or committed, on or to the property aforesaid, shall be for the use and benefit of said Lodge, and shall be so applied.

SEC. 13. The Legislature hereby reserves the right to alter, amend, or repeal this act at pleasure.

Approved March 4, 1850.

CHAPTER 275.

AN ACT to amend and re-enact an act, entitled, an act to incorporate the Henderson and Nashville Railroad Company, approved February 8, 1837.

Company cre-
ated, & object.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of establishing a communication, by Railroad, between the town of Henderson, Kentucky, and the city of Nashville, Tennessee, through the States of Kentucky and Tennessee, to terminate on the north side of Cumberland river, at some central or convenient point, to the city of Nashville, the formation of a company is hereby authorized, which, when formed, shall have corporate existence in each of the States aforesaid: *Provided*, said company shall have the privilege of crossing said river, and conveying to the city,

from its depot on the north side of the river, freights and passengers, in cars drawn by animal power.

1850.

SEC. 2. *Be it further enacted*, That the books for subscriptions for fifteen thousand shares of capital stock for said company, of one hundred dollars each, shall be opened on the first Monday in June next, and shall be kept open for one hundred days, between the hours of ten o'clock in the morning and four o'clock in the evening, of each of those days, at the following places, and at such other places in the United States as the following Commissioners, or a majority of them, may designate: in the town of Henderson, Wyatt H. Ingram, George Atkinson, James Rouse, John D. Anderson, Samuel Stites, and James Alves; in the town of Madisonville, Samuel Woodson, John Ray, Frank Wilkins, John B. Frost, Willis Younger, and Ambrose G. Gordon; in the town of Hopkinsville, John P. Campbell, John Stites, Fidelio C. Sharp, James F. Buckner, Henry J. Stites, and Ninian E. Gray; in the city of Nashville, Col. Ephraim H. Foster, Dr. John Shelby, John P. Johnson, Col. Mat. Martin, C. Conner, and J. P. W. Brown; in the town of Clarksville, Hon. M. A. Martin, G. A. Henry, Edward Howard, Thompson Anderson, Wesley Wheeler, and Peter Peacher; who shall have the power to appoint three or more persons in any of the towns or neighborhoods in the States of Tennessee or Kentucky, and in any town or city in the United States or Great Britain, to open books for a similar purpose, and to fix such days as they may think proper, before the first day of June next, for opening books and receiving subscriptions for capital stock.

Books to be opened, capital stock.

Commissioners.

SEC. 3. *Be it further enacted*, That any three of the above named Commissioners, or of such persons as may be appointed by them for that purpose, shall, at each of the places named, or such as may be named and designated, open books and receive subscriptions for stock in the said Railroad Company, during the times the said books are directed to be kept open, and on each share, so subscribed, shall demand and receive the sum of five dollars, without which the subscription shall be void.

Com'rs to open books and receive subscriptions for stock.

SEC. 4. *Be it further enacted*, That so soon as the time for receiving subscriptions, so as aforesaid, shall have expired, the said Commissioners shall, respectively, deposit all the money, so received by them, in some incorporated Bank, redeeming its notes in specie, in the State where the notes shall been received, to the credit of the Henderson and Nashville Railroad Company; and shall, also, forward a correct list of all the subscribers to the said stock, with the number of shares each subscriber has taken, to a central commission, to be composed of the following persons: Wyatt H. Ingram, of Henderson, Samuel Woodson, of Madisonville, Fidelio C. Sharp, of Hopkinsville, Mat. Mar-

Forward list of subscribers to central committee.

Central com. to meet & make publication.

1850.

When 1,000
shares are sub-
scribed, compa-
ny declared
formed, &c.

tin, of Nashville, and Edward Howard, of the town of Clarksville, who, or a majority of whom, shall meet at the town of Hopkinsville, in the State of Kentucky, on the first Monday in November, 1850, and ascertain the whole number of shares taken in said company, and publish the same in some newspaper in the city of Nashville and the town of Henderson, on or before the third Monday of November, 1850; and if the number of one thousand shares shall have been subscribed, on each of which there shall have been paid the sum of five dollars, the Henderson and Nashville Railroad Company shall be regarded as formed; and the said central commission, or a majority of them, shall sign and seal four duplicate declarations to that effect, with the names of all the subscribers appended, and cause one of these duplicates to be deposited in the offices of the Secretaries of the States of Kentucky and Tennessee; and thenceforth, and from the day of closing the books of subscription, as aforesaid, the said subscribers of the stock shall form one body politic and corporate, in deed and in law, in the States aforesaid, by the name and for the purpose aforesaid.

Central com-
mission may fill vacan-
cies.

SEC. 5. *Be it further enacted*, That in case of any of the persons forming said central commission shall not attend at Hopkinsville on the first Monday in November, 1850, or, attending, should refuse or be unable to act, the remaining member or members of said central commission shall forthwith fill the vacancy, and the person or persons, so appointed, shall constitute a part of said commission.

Further sub-
scriptions au-
thorized.

SEC. 6. *Be it further enacted*, But if, on closing the books aforesaid, the number of one thousand shares shall not have been subscribed, then, and in that case, the said central commission, by themselves or their agents, may receive subscriptions from any of the States of Indiana, Kentucky, Tennessee, South Carolina, Georgia, and, also, from individuals or bodies corporate, until the number of ten thousand shares shall have been subscribed: *Provided*, the same shall be done on or before the first day of January, 1855; and when the said number of fifteen thousand shares shall have been subscribed, the said subscription shall be closed, the subscribers shall thenceforth form a body corporate, as aforesaid, and the declaration thereof shall be made and deposited in the offices of the Secretaries of State, in manner aforesaid; subscriptions for stock, received by said central commission, or their agents, shall be accompanied with the certificate of some specie paying Bank, in some of the States, that an amount equal to the five dollars on each share subscribed has been deposited therein by the subscribers, to the credit of the said company.

If company is
not organized,
money paid on

SEC. 7. If, on closing the books on the first day of January, in the year of our Lord one thousand eight hundred and fifty-five, the number of one thousand shares shall not

have been subscribed, the money paid by each subscriber shall be returned to him, by one or more of the Commissioners who received it, endorsing on the receipt given for it a check on the Bank where it has been deposited, which the Bank shall be bound to pay only in case the central commission, or a majority of them, shall have published a declaration that the formation of the company has failed, for want of fifteen thousand shares being subscribed.

1850.
stock to be re-
turned.

SEC. 8. The said Henderson and Nashville Railroad Company, so formed as aforesaid, shall have succession of members for ninety-nine years, may have a common seal, may sue and be sued, plead and be impleaded, in any court of law or equity, and make all such regulations, rules and by-laws as are necessary for the government of the corporation, or for effecting the object for which it is created: *Provided*, such regulations, rules and by-laws shall not be repugnant to the laws and constitution of the said States or the United States: *Provided*, that notice or service of process upon the principal ostensible agent of the company, in the State from whose court that process emanated, shall be deemed and taken to be due and lawful notice or service of process upon the company, so as to bring it before the court.

Corporate
powers.

SEC. 9. The affairs of said company shall be managed and directed by a Board, to consist of ten Directors, of whom four shall be elected from stockholders residing in the State of Kentucky, and three from the stockholders residing in the State of Tennessee, and the remaining three shall be elected from among all the stockholders, without regard to their place of residence.

Directors.

SEC. 10. The President of the company shall be elected by the Directors, from among their own members, in such manner as the regulations of the corporation may prescribe.

President.

SEC. 11. As soon as the number of one thousand shares shall have been subscribed, in manner aforesaid, it shall be the duty of the Commissioners, appointed to declare the same, to appoint a time for the stockholders to meet at Hopkinsville, in the State of Kentucky, which they shall cause to be published in one or more newspapers, published in each of the States of Kentucky and Tennessee; at which time and place the said stockholders, in person or by proxy, shall proceed to elect the Directors of the company, and to enact all such regulations, rules and by-laws as may be necessary for the government of the corporation, and the transaction of its business; the persons elected Directors, at this meeting, shall serve for such period, not exceeding one year, as the stockholders may direct; and, at this meeting, the stockholders shall fix on the day and place or places where the subsequent election of Directors shall be held, and such elections shall thenceforth be annually made; but if the annual election should pass without any election of Directors, the corporation shall not be thereby

Meeting of
company to be
called to elect
Directors.

On failure to
meet, new meet-
ing called.

1850. dissolved, but it shall be lawful, on any other day, to hold and make such elections, in such manner as may be prescribed by a By-law of the corporation.

Vacancies, &
how filled

Sec. 12. The Board of Directors may fill up all vacancies which may occur in it, during the period for which the Board shall have been elected, and, on the absence of the President, may fill his place by electing a President *pro tempore*.

Contracts.

Sec. 13. All contracts and agreements, authenticated by the President of the Board, shall be binding on the company, without seal; or such other mode of authentication may be used as the company, by their by-laws, may adopt.

Contracts
shall not exceed
in amount capital
stock.

Sec. 14. The Board of Directors shall not exceed, in their contracts, the amount of the capital of the corporation, and of the funds which the company may have borrowed and placed at the disposal of the Board; and in case they should do so, the President and Directors who may be present at the making such contract or contracts, so exceeding the amount aforesaid, shall be jointly and severally liable for the excess, both to the contractor or contractors and the corporation: *Provided*, that any one may discharge himself from such liability, by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the Board, and giving notice thereof to the next general meeting of the stockholders.

Construction
of the road.

Sec. 15. The company shall have power and may proceed to construct, as speedily as their means will permit, railroads with one or more tracks, to be used with steam, animal or other power, which will pass through the State of Kentucky or Tennessee, so as to form continuous lines of said road between the town of Henderson and the city of Nashville, and the lines of which road shall be established by the Board of Directors, subject to the control of stockholders at a general meeting; the said company may use any section of the railroad, by them to be constructed, before the whole shall be completed, subject to the rates hereinafter mentioned: *Provided*, that said contemplated road shall be so located as that, in its course, it shall touch at the town of Clarksville, in the State of Tennessee, in such manner as to afford to said town all the benefits of which the road is capable; and there shall be a convenient and suitable depot established at some proper place, in said town of Clarksville, by the company, adequate to the business, commerce and trade of said town.

Branches.

Sec. 16. The said company may, by consent of the Legislatures of Tennessee and Kentucky, construct branches of their road: *Provided*, such branches shall not conflict with any chartered rights, existing at the time of their construction: *And, provided*, that they shall be attended with no exclusive privileges, except the exclusive right of transportation of goods, wares, merchandise, produce, and persons,

thereon, subject to the rates hereinafter mentioned; And, *provided also*, that nothing in this act shall prevent the State, through which any part of the said main road or its branches may pass, from establishing rights of way across such main road or branches,

1850.

Sac. 17. That the said company shall have the exclusive right of transportation or conveyance of persons, goods, wares, merchandise, and produce, over the said railroad and its branches, by them to be constructed; *Provided*, that the charge for transportation or conveyance shall not exceed thirty-five cents per hundred pounds, on heavy articles, and ten cents per cubic foot, on articles of measurement, for every hundred miles, and five cents a mile for every passenger: And, *provided also*, that the said company may, when they see fit, farm out their right of transportation on said road, or any of its branches, subject to the rates above mentioned.

Company to have exclusive right to use road.

Charges for transportation.

Sac. 18. The said company, and every person who may have received from them the right of transportation of goods, wares, merchandise, and produce over the said road, shall be deemed and taken to be common carriers, as respects all goods, wares, merchandise and produce, entrusted to them for transportation.

Company, &c. to be deemed common carriers.

Sac. 19. The Board of Directors may call for the payment of ninety-five dollars on each share of the stock, in sums not exceeding five dollars, in every sixty days, except that after eighty dollars have been paid on each share, the remaining twenty dollars may be called for in two instalments, which shall be at least sixty days apart, or the payment may be called for in smaller sums, and at more distant periods; the call for each instalment shall be advertised in one or more newspapers in Nashville and Henderson, and at such other places as may be directed by the rules of the company, at least one month before the time the same is to be paid, according to the rules of the company; any of the instalments, so called for as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon; and the same shall vest in and belong to the company, and may be restored to the owners by the Board of Directors, if they deem proper, on the payment of all arrears on such shares, and legal interest thereon; or the Directors may sue the stockholders for their instalments due, at their discretion.

Calls on stock.

Directors may sue stockholders.

Sac. 20. The stock in said company may be transferred in such manner and form as may be directed by the by-laws of the company.

Stock transferable.

Sac. 21. The said company may, at any time, increase its capital to a sum sufficient to complete the said road, or its branches, and stock it with every thing necessary to give it full operation and effect, either by opening books for

Capital stock may be increased.

1850.

May borrow
money.

new stock, or by selling such new stock, or by borrowing money on the credit of the company, on the mortgage of its charter and its works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting.

May vest their
capital & profits
in stocks.

SEC. 22. It shall be lawful for the said company, from time to time, to vest so much or such parts of their capital, or of their profits, as may not be required for immediate use, until it may be so required, in the public stocks of either of the States of Tennessee and Kentucky, or of any incorporated Banks in the said States: *Provided*, the sums, so invested, shall at no time exceed one half million of dollars.

Board of Di-
rectors to make
annual reports,
&c.

SEC. 23. The Board of Directors shall, once in every year at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law, and shall have power to call a general meeting of the stockholders, when the board may deem it expedient; and the company may provide, in their by-laws, for occasional meetings being called, and prescribe the mode thereof; and the company may provide, by a by-law, for the votes of the stockholders for Directors being taken at more than one place, as also for taking their votes on any question relative to the repeal, alteration, or amendment of, or addition to, any of the rules, regulations, or by-laws of the company, proposed by the general Board of Directors.

President and
Directors to be
citizens of the
U. S., &c.

SEC. 24. No person but a citizen of the United States, and being a *bona fide* stockholder, in his own right, of at least twenty shares, which he shall have held at least three months previous to his election, (except at the first election,) shall be President or a Director of the general board; nor shall any stockholder vote, in person or by proxy, at any general or other election, (except the first,) who shall not have held, in his own right, the share on which he offers to vote, at least three months previous to such election.

Quorum.

SEC. 25. The stockholders may provide, by a by-law, as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business, at any regular or occasional meeting of stockholders or Directors.

Members of
Board, &c., not
to be contract-
ors.

SEC. 26. No member of the Board of Directors, or officer or agent of the company, shall be, directly or indirectly, interested in any contract for work; nor shall any Director vote on the passing of any bill for materials in which he is directly or indirectly concerned; nor shall any Director, officer or agent be interested directly or indirectly in the purchase of lands, buildings, or any other property immediately on the line of said railroad, or any branches thereof, without having first offered to the Board of Directors, in writing, the right of pre-emption to all or any part of

such lands, buildings, or other property, which the said board may think proper to purchase for the use of the company; and every Director, officer, or agent, violating this provision, may be removed from the board, his office, or employment, by vote of the Directors; and every purchase made in violation of this rule, shall enure to the benefit of the company, if the Board of Directors choose to avail themselves thereof.

1850.

Sec. 27. Any stockholder in the company may vote by proxy, who must be a resident citizen of the U. States, and before he votes, he may be required by a stockholder, to swear, that to his belief, the stock *bona fide* belongs to the person whom he represents; before any stockholder votes in his own right, or for an estate, he may be required by any stockholder, to swear that he is the *bona fide* owner of the said stock, in his own right, or as the legal representative of the testator, or intestate, whom he represents, and that no person but himself, or the estate, is directly or indirectly interested therein, to his belief. Any State holding stock may vote by such person as the Legislature or Governor thereof may appoint, or as may be appointed in any other way, pursuant to the laws of the State made for that purpose.

Proxies, how
voted.

Sec. 28. That in the election of Directors, and in voting on all questions which may come before a meeting of the stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three, nor more than four shares, shall be entitled to two votes; the owner of not less than five, nor more than six shares, shall be entitled to three votes; the owner of not less than seven, nor more than eight shares, shall be entitled to four votes; the owner of not less than nine, nor more than eleven shares, to five votes; the owner of not less than twelve, nor more than fifteen shares, to six votes; the owner of not less than sixteen, nor more than twenty shares, to seven votes; the owner of not less than twenty-one, nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven shares, nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four, nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled therefor, to one vote: *Provided*, that no individual, corporation, or States, holding stock in said company, shall be entitled to more than two hundred votes, and one vote for every fifty shares over three thousand shares. Any person being a subscriber or stockholder, who may offer to vote, as a proxy, may be required by any subscriber or stockholder, to swear that he has no interest, directly or indirectly, in the stock on which he offers to

Ratio of rep-
resentation of
stock.

1850.

vote as proxy; a trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que trust* holds other shares, either in his own name, or in the name of another trustee; but the *cestui que trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

Property which
company may
hold.

SEC. 29. The said Company may purchase, have and hold, in fee, or for a term of years, any lands, tenements, or hereditaments, which may be necessary for the said road, or any branches or appurtenances thereof, or for the erection of depositories, storehouses, houses for the officers, servants, or agents of the Company, or for workshops, or for founderies, to be used for the said company, or for procuring timber, stone or other materials necessary to the construction of the road, its branches or apparatus, or for effecting transportation thereon, and for no other purpose whatever.

May cross
roads, rivers,
&c.

SEC. 30. The said company shall have the right, when necessary, to conduct the said railroad, or any branch thereof, across or along any public road or water course: *Provided*, that the said road, and the navigation of such water course shall not be thereby obstructed.

May purchase
roads or bridges.

SEC. 31. The said company may purchase, have, and hold, any bridge or turnpike road over which it may be necessary to carry the said railroad; and when such purchase is made, to hold the said bridge or turnpike road on the same terms, and with all the rights which belong to the individual, individuals, or corporation, from which such purchase may be made: *Provided*, that the said company shall not obstruct any public road without constructing another as convenient as may be.

Condemnation
of lands, mate-
rials, and right
of way.

SEC. 32. That where any lands or right of way may be required, by the said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five Commissioners, or a majority of them, to be appointed by any court of record having common law jurisdiction, in the county or district where some part of the land or right of way is situated; and the said Commissioners, before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duty assigned them in making the said valuation; the Commissioners shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land being taken, or the right of way surrendered, and also, the benefit and advantage he, she, or they may receive from the erection or establishment of the railroad or its works, and shall state, particularly, the nature and amount of each, and the excess of loss and damage over and above the benefit and

advantage shall form the measure of valuation of the said land or right of way; the proceedings of the said Commissioners, accompanied with a full description of the land or right of way, shall be returned under the hands and seals of a majority of the Commissioners, to the Court from which the commission issued, there to remain of record; in case either party to the proceedings shall appeal from the said valuation, to the next session of the Court, granting the commission, and give reasonable notice to the opposite party of such appeal, the Court shall order a new valuation to be made by a jury, who shall be charged therewith, in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the parties shall have the right of appeal to the Supreme Court, or Court of Appeals; the party appealing shall be governed in all respects by the laws regulating appeals in the State where said case or cases may be tried; and the lands or right of way, so valued by the Commissioners or jury, shall vest in the said Company, in fee simple, so soon as the valuation may be paid, or when refused, may be tendered; when there shall be an appeal, as aforesaid, from the valuation of the Commissioners, by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but where the appeal is made by the Company, requiring the surrender, they shall be at liberty to proceed in their work, only, on condition of giving the opposite party a bond with good security, to be approved of by the Clerks of the Court where the valuation is returned, in a penalty equal to double the valuation, conditioned for the payment of the valuation and interest, in case the same be sustained, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury, and confirmed by the Court.

SEC. 33. In the absence of any contract or contracts, with the said Company, in relation to lands through which the said road or its branches may pass, signed by the owner thereof, or by his agent, or any claimant in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land, upon which the road or any part of its branches may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the Company by the owner or owners thereof; and the said Company shall have good right and title thereto, and shall have, hold, and enjoy the same, to be used only for the purposes of the said road, and no longer, unless the person or persons owning the said land, at the time that part of the said road, which may be on the said land, was finally surveyed and located, or those claiming under him, her, or them, shall apply for an assessment of the value of said lands, as herein before di-

1850.

Right of way,
and lands how
to be relinquish-
ed to company.
&c.

1850.

rected, within one year after that part of the said road was finally surveyed and located, and he, she, or they, notified thereof, in-writing; and in case the said owner or owners, or those claiming under him, her, or them, shall not apply for such assessment within one year after the said part was finally surveyed and located, and he, she, or they, notified thereof, as aforesaid, he, she, or they, shall be forever barred from recovering the said land, or having any assessment, or compensation therefor: *Provided*, that nothing herein contained shall affect the rights of femes covert or infants, until two years after the removal of their respective disabilities.

Lands of the
State, how vest-
ed in company.

SEC. 34. All lands not heretofore granted to any person, nor appropriated by law to the use of the State, within one hundred feet of the centre of said road, or its branches, which may be constructed by the said Company, shall vest in the Company so soon as the line of the road is definitely laid out through it, and any grant thereafter shall be void.

Penalty for vi-
olating rights of
company.

SEC. 35. That if any person or persons shall intrude upon the said railroad, or any branch thereof, or part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said Company, he, she, or they, shall forthwith forfeit to the said Company all the vehicles that may be so intruded on the said road, and the same may be recovered by suit at law; and the person or persons, so intruding, may also be indicted for a misdemeanor, and upon a conviction, fined and imprisoned by any Court of competent jurisdiction.

Penalty for
damages to prop-
erty of compa-
ny.

SEC. 36. If any person shall wilfully or maliciously destroy, or in any manner hurt, damage, or obstruct, or shall wilfully and maliciously cause, or aid, or assist, or counsel and advise, any other person or persons, to destroy, or in any manner to hurt, damage, injure, or obstruct, the said railroad, or any branch thereof, or any bridge or vehicle used for, or in the transportation thereon, such person or persons, so offending, shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of the court before which such conviction shall take place, and shall be further liable to pay all the expenses of repairing the same; and it shall not be competent for any person, so offending against the provisions of this clause, to defend himself, by pleading, or giving in evidence, that he was owner or agent, or servant of the owner of the land, where such destruction, hurt, damage, injury, or obstruction, was done or caused, at the time the same was caused or done.

SEC. 37. Every obstruction to the safe and free passage of vehicles on said road, or its branches, shall be deemed

a public nuisance, and may be abated as such, by any officer, agent, or servant of the company; and the person causing such obstruction, may be indicted and punished for erecting a public nuisance.

1850.

Sec. 38. That the said company shall have the right to take at the store-houses they may establish on or annexed to their railroad, or the branches thereof, all goods, wares, merchandise, and produce, intended for transportation; prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they by rules may establish, which they shall cause to be published, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, that the said company shall not charge or receive storage on goods, wares, merchandise, or produce, which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

May charge storage.

Sec. 39. The profits of the company, or so much thereof, as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

Dividends.

Sec. 40. That the capital stock in the said company, the dividends thereon, and the road, and its fixtures, depots, workshops, warehouses, and vehicles of transportation, belonging to the said company, shall be forever exempt from taxation in each and every of the said States of Tennessee and Kentucky; and it shall not be lawful for either of the said States, or any corporate or municipal police, or other authority thereof, or of any town, city, county, or district thereof, to impose any tax on such stock or dividends, property or estate: *Provided*, the stock or dividends, when the said dividends shall exceed the legal interest of the State, may be subject to taxation by the State, in common with, and at the same rate as money at interest, or interest thereon; and when the State shall impose a tax on the dividends declared, in favor of the stockholders of the company, the tax shall extend only to such proportion of the said dividends and capital stock, as the part of the road in that State shall bear to the whole road, from the profits of which the said dividends have arisen; which tax, when imposed, shall be retained by the company, out of said dividends, and paid to the State; but no tax shall be imposed so as to reduce the part of the dividends to be received by the stockholders below the legal interest of the State.

Stock & profits exempt from tax.

Bonus.

Sec. 41. That the following officers and persons in the actual service of said company be, and are hereby, exempt from the performance of jury and ordinary militia duty, viz: The President of the Board of Directors; the chief and assistant engineers; the secretaries, auditors, and ac-

Officers of Co. exempt from serving on juries and militia duty.

1850.

countants of the board ; keepers of the depositories ; guards stationed on the road to protect it from injury, not exceeding one man to every five miles, and such persons as may be working the locomotive engines, and traveling with cars for the purpose of attending to the transportation of goods or passengers on the road, not exceeding one engineer and his assistant, and the necessary firemen to each locomotive engine, and one person to each passenger car and every five cars for transporting goods.

Not to engage
in banking.

SEC. 42. The said company is hereby expressly prohibited from carrying on any banking operations, and from effecting any insurance on lives or property, except on goods transported on said railroad or its branches, or in the company's custody for or in consequence of such transportation.

Corporate
powers defined.

SEC. 43. And the said company shall be entitled only to such powers and privileges as shall be granted to it by all the legislatures incorporating it, and the powers necessary and proper to give them effect, and shall be subject to all the restrictions and disabilities which may be imposed on it by either of the said legislatures by the act of incorporation, so that its powers, privileges, and disabilities, may be similar in all the States of Tennessee and Kentucky.

States & corporations
may
make branches.

SEC. 44. Any individual, individuals, bodies corporate, or States, may construct branches to unite with the main road from Henderson to Nashville, or any branch thereof, with the permission of the legislature of the State where such branches may be situated, and by and with the written assent of the President and Directors of said railroad company ; and it shall be the duty of the said company, when required, to receive on their road and its branches, the fully loaded freight cars from such branches so to be united with them, and to transport the same to their point of destination, and to return them, if required, without changing the loads thereon, or charging for the transportation of the goods, wares, merchandise, and produce therein, any greater rate of freight than they charge for similar goods, wares, merchandise, and produce, in their own cars: *Provided*, that the company shall not be compelled to receive any such cars on their road or branches, unless they are constructed in the same manner, and are of equal strength with their own cars, of which the engineers of that section of the main road shall be the judge ; *And provided*, that the company shall not be compelled to receive any car from such branches, without receiving payment for at least twenty miles transportation : *And, provided also*, that the said company shall be entitled, in all respects, to similar and equal privileges on any branches constructed to unite with their road or branches, subject to the same restraints.

SEC. 45. That the company shall begin the construction

of said road within five years from the first day of January, eighteen hundred and fifty; and complete the main road from the termination at Henderson to Nashville, within fifteen years from and after the passage of this act.

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SEC. 46. When the road shall be completed from the termination at Henderson to Nashville, it shall be the duty of the company to keep all parts thereof in a state for regular transportation on the whole length thereof; and in case the said railroad shall be out of repair, or so injured in any part as to interrupt the transportation thereon, it shall be the duty of the company, with due expedition, to repair the same; and in case the company should neglect unreasonably so to do, it shall be lawful for any judge of the court of last resort, having general chancery powers in the State where such repair is required, at Chambers, after due notice to the company, to make an order that no charge shall be made for transportation of goods, wares, merchandise, or produce, on any part of said road, within twenty-five miles of said interruption, which order shall not release the company from their obligation to transport on all the parts of the road which may be in repair: *Provided*, that no such order shall be made when it shall appear to the judge that the company has used due diligence to make the said repair, or that the part injured is incapable of being restored, or that another line of road, or another mode of conveyance may be beneficial to the public, substituted in place of the part injured or out of repair; which order of the judge shall be and continue in force only until the expiration of ten days after the next meeting of the court of last resort, of which the said judge shall be a member, unless the same shall be confirmed by the said court; and any judge of the said court, at Chambers, may repeal such original or confirmed order, on evidence that the injury is repaired, or the substitute provided, and transportation is resumed on that part of the road embraced in said order.

Road to be
kept in repair.

SEC. 47. That the said President and Directors, or a majority of them, may appoint all such officers, agents, engineers, and servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to fix and determine, by contract, the compensation of all the engineers, officers, agents, servants and others, in the employment of the said company, and to regulate, by their by-laws, the manner of adjusting and settling all accounts in favor of or against the company; that they, or a majority of them, shall have power to erect buildings and depots for the storage and safekeeping of articles entrusted with them for transportation, and for workshops, offices, and other purposes necessary for the business, or for the safe-keeping of the locomotives, cars, and other property of the company;

President and
Directors to ap-
point officers,
agents, &c.

1850.

and they, or a majority, shall have power to direct the manner, and by what evidence the stock in said company may be transferred.

May make
examinations,—
surveys, routes.

SEC. 48. The President or Directors, or a majority of them, shall have power to cause such examinations and surveys to be made for the routes of said railroad as may be necessary to the selection by them of the most advantageous line, course, route, or way, for said railroad, and shall, as soon thereafter as practicable, select and determine the route on which said railroad shall be constructed, and locate the same.

May borrow
money, &c.

SEC. 49. That the said corporation shall have power and authority to borrow, not exceeding seven hundred and fifty thousand dollars, at an interest not exceeding seven per cent. per annum, and pledge or mortgage the road, or any other property, or any part thereof, belonging to the company, to secure the payment of the money so borrowed, and may issue bonds or certificates of stock therefor; but no bonds, certificates of stock, or notes, shall be issued to circulate as bank notes.

The town of
Clarksville may
take stock.

SEC. 50. The town of Clarksville shall have power to subscribe for stock in said road, by the Mayor thereof: *Provided*, he shall be so instructed by a vote of the qualified voters in said town, taken upon the question; at an election opened and held for that purpose; at a day fixed by the Mayor and Aldermen, and notice given by the Mayor of twenty days, as is required in other elections.

Charter may
be amended.

SEC. 51. This charter shall be amendable, from time to time, by the Legislatures of the States of Kentucky and Tennessee, whenever the President and Directors shall unanimously petition for amendments, specifying in the petition the nature of such amendments; and when such amendments shall be adopted by the Legislatures of the States of Tennessee and Kentucky, and submitted to the Directory, and be accepted and adopted unanimously by the President and Directors, they shall be obligatory on the stockholders, and not otherwise.

Towns in Ky.
may take stock.

SEC. 52. That the counties and incorporated towns of the State of Kentucky may, in such manner and under such regulations and restrictions as the Legislature of said State shall prescribe, subscribe for and take stock in said contemplated railroad.

Objects of act,
&c.

SEC. 53. And whereas, the Legislature of the State of Tennessee, on the 15th November, 1849, passed an act, entitled, "an act to amend and re-enact an act, entitled, 'an act to incorporate the Henderson and Nashville Railroad Company, passed by the Kentucky Legislature, and approved February 8th, 1837,'" of which act of the Legislature of Tennessee, this act is a copy: and whereas, by the 53d section of the said act of the Legislature of Tennessee, with the proviso to the said section, it is enacted

1850.

and provided in the words following, to-wit: "That this act shall become a law whenever the State of Kentucky may enact the same, and concur in the amendments hereto, for the same purpose, with such modifications and amendments as they may deem right, not inconsistent with the provisions hereof: *Provided, however*, if the said State of Kentucky should not enact or co-operate in this charter during the present year, when the same shall be enacted, the time shall be allowed thereafter as is now allowed to do and perform certain things required by the provisions of this act." Now, with the view and intent that the said act of the Legislature of Tennessee, in conformity with the provisions of the said fifty-third section, and proviso thereof, may become a law, and to enact the same, and to concur in the amendments passed by the Legislature of Tennessee in their said act, to the above mentioned act of the Legislature of Kentucky, approved February 8th, 1837: *Be it further enacted*, That this act shall become and take effect as a law from and after its passage, in all respects, and to every intent and purpose, in accordance with and in conformity to the provisions of the above recited fifty-third section and its proviso, and all the other provisions of the above mentioned act of the Legislature of Tennessee; the intention of the Legislature of Kentucky being to concur, by the foregoing enactments, fully and entirely with the enactments of the Legislature of Tennessee, the object of the enactments of both the Legislatures, aforesaid, being common and identical.

Act to take effect from its passage.

Approved March 4, 1850.

CHAPTER 276.

AN ACT for the benefit of William Randle, of Todd county.

Whereas, it is represented that William Randle, Sr., in his lifetime, owned an interest of one third absolutely, and an interest of two thirds for the life of Rachael Anderson, widow of Reuben Anderson, deceased, in the following slaves, viz: Sicily, and her children, Queen, Polly, John, Louisa, Lucy, Matthew, Nathan, Isaac, and Harry (a child of Queen,) and that William Randle, Jr., now holds and owns, by purchase, the same interest in said slaves that was formerly owned by William Randle, Sr., deceased; and that William Randle, Sr., in his lifetime, and William Randle, Jr., each failed, through ignorance of the law, to comply with the requisitions of an act of the General Assembly, entitled, "an act the better and more effectually to protect the rights of reversionary legatees, approved February 8, 1839; and whereas, it appears by the affidavits of William T. Mimms and John Brickell, and the certificate of the Todd County Court, that all of said slaves are now in

1850.

possession of said Randle, and have been kept in said county, and that their names and ages have been made out under oath by said Randle and filed and recorded in the Clerk's office, for the county aforesaid, in the month of January, 1850. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Randle, and the estate and legal representatives of William Randle, Sr., deceased, be and they are hereby absolved and relieved from all liability incurred by reason of having heretofore failed to comply with the requisitions of the act aforesaid.

Approved March 4, 1850.

CHAPTER 277.

AN ACT to incorporate the Walnut Street Baptist Church of Louisville.

Church incor-
porated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William B. Caldwell, Arthur Peter, Geo. I. Rowland, Abram O. Brannin, and Charles S. Tucker, Trustees of the Walnut Street Baptist Church, of Louisville, and their successors as such, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Walnut Street Baptist Church of Louisville, and by that name shall have perpetual succession and a common seal, or may use their individual seals or scrolls, and may sue or be sued, plead or be impleaded in any court of law or equity in this State.

Vacancies to
be filled.

SEC. 2. That when any vacancy in said Board may occur by death, resignation, or otherwise, or other disqualification to act, to be judged of by the Church at a regular business meeting, it shall be competent for the members of said Church to fill such vacancy or vacancies at any regular business meeting. Said Church shall, also, have power to remove from office any one or more of said Trustees, a majority of all the members present at a regular business meeting concurring therein, and may proceed to fill such vacancy in the manner provided above for filling vacancies: *Provided,* that no removal or appointment of a Trustee shall take place until notice of such intention has been given at a previous regular business meeting of the Church.

Trustees may
receive, buy lots
&c.

SEC. 3. That the above named Trustees, and their successors, are hereby invested with full power to receive a conveyance of a lot of ground, to be selected by the Church in Louisville, upon which to erect a Church edifice; also to purchase and receive title to other ground not exceeding ten acres, with its appurtenances, for a burial ground or other Church purposes; but the said lots or parcels of ground shall be held by said Trustees, or their successors for the entire and exclusive use and benefit of the Walnut Street Baptist Church of Louisville, or such portion thereof,

(should there ever be a schism,) as adhere to the articles of faith as now held by said Church, forever.

1850.

SEC. 4. That said Trustees, or their successors, shall have and they are hereby vested with power to sell and convey the title which they hold, or may hereafter hold, in trust for said Church, in any lot or piece of ground whenever and to whom the said Church shall direct, at a regular business meeting; or may make such other disposition of the same as said Church may order; notice having been given at a previous meeting of such intended sale or disposition, and not otherwise; and to do and perform all acts common to limited corporations not to conflict with the laws of this State.

May sell, convey lots, &c.

Approved March 4, 1850.

CHAPTER 278.

AN ACT to incorporate the Russellville and Buena Vista Plank Road Company, and to amend the charter of the Louisville and Portland Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby incorporated, under the name and style of the Russellville and Buena Vista Plank Road Company, for the purpose of constructing a plank road from Russellville to the Buena Vista Springs, in Logan county.

Company created; name, and style, and object.

SEC. 2. The capital stock of said company shall be ten thousand dollars, (divided into shares of fifty dollars each,) which may be hereafter increased, if found necessary to the completion of the road, by the President and Managers. Books for subscription of stock may be opened on the first Saturday in April next, and continue open, if necessary, for two years, at Russellville, under the direction of the following Commissioners: Burwell C. Ritter, Richard Higgins, S. R. Moore, J. B. Peyton, and A. F. Long.

Capital stock.

SEC. 3. The said company may have two gates, and no more, on said road; they may construct said road upon such grade of elevation, and of such width, as deemed best. Said company shall be governed by the general provisions of an act, entitled, an act to incorporate the Russellville and Nashville Turnpike Road Company, so far as they are applicable and consistent with the purposes and provisions of this charter, and said act so far as it is applicable is hereby enacted as part of this act.

May erect gates, &c.

SEC. 4. *Be it further enacted*, That the capital stock of the Louisville and Portland Railroad Company may be increased twenty-five thousand dollars, and the President and Directors of said company are authorized to raise said additional stock in the same manner they are already empowered to raise the capital stock of one hundred thousand dollars: *Provided*, that the relative proportion of stock own-

Capital stock of Louisville & Portland railroad increased.

1850.

possession of said Randle, and have been kept in said county, and that their names and ages have been made out under oath by said Randle and filed and recorded in the Clerk's office, for the county aforesaid, in the month of January, 1850. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Randle, and the estate and legal representatives of William Randle, Sr., deceased, be and they are hereby absolved and relieved from all liability incurred by reason of having heretofore failed to comply with the requisitions of the act aforesaid.

Approved March 4, 1850.

CHAPTER 277.

AN ACT to incorporate the Walnut Street Baptist Church of Louisville.

Church incor-
porated.

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Vacancies to
be filled

SEC. 2. That when any vacancy in said Board may occur by death, resignation, or otherwise, or other disqualification to act, to be judged of by the Church at a regular business meeting, it shall be competent for the members of said Church to fill such vacancy or vacancies at any regular business meeting. Said Church shall, also, have power to remove from office any one or more of said Trustees, a majority of all the members present at a regular business meeting concurring therein, and may proceed to fill such vacancy in the manner provided above for filling vacancies: *Provided,* that no removal or appointment of a Trustee shall take place until notice of such intention has been given at a previous regular business meeting of the Church.

Trustees may
receive, buy lots
&c.

SEC. 3. That the above named Trustees, and their successors, are hereby invested with full power to receive a conveyance of a lot of ground, to be selected by the Church in Louisville, upon which to erect a Church edifice; also to purchase and receive title to other ground not exceeding ten acres, with its appurtenances, for a burial ground or other Church purposes; but the said lots or parcels of ground shall be held by said Trustees, or their successors for the entire and exclusive use and benefit of the Walnut Street Baptist Church of Louisville, or such portion thereof,

(should there ever be a schism,) as adhere to the articles of faith as now held by said Church, forever.

1850.

SEC. 4. That said Trustees, or their successors, shall have and they are hereby vested with power to sell and convey the title which they hold, or may hereafter hold, in trust for said Church, in any lot or piece of ground whenever and to whom the said Church shall direct, at a regular business meeting; or may make such other disposition of the same as said Church may order; notice having been given at a previous meeting of such intended sale or disposition, and not otherwise; and to do and perform all acts common to limited corporations not to conflict with the laws of this State.

May sell, convey lots, &c.

Approved March 4, 1850.

CHAPTER 278.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby incorporated, under the name and style of the Russellville and Buena Vista Plank Road Company, for the purpose of constructing a plank road from Russellville to the Buena Vista Springs, in Logan county.

Company created; name, and style, and object.

SEC. 2. The capital stock of said company shall be ten thousand dollars, (divided into shares of fifty dollars each,) which may be hereafter increased, if found necessary to the completion of the road, by the President and Managers. Books for subscription of stock may be opened on the first Saturday in April next, and continue open, if necessary, for two years, at Russellville, under the direction of the following Commissioners: Burwell C. Ritter, Richard Higgins, S. R. Moore, J. B. Peyton, and A. F. Long.

Capital stock.

SEC. 3. The said company may have two gates, and no more, on said road; they may construct said road upon such grade of elevation, and of such width, as deemed best. Said company shall be governed by the general provisions of an act, entitled, an act to incorporate the Russellville and Nashville Turnpike Road Company, so far as they are applicable and consistent with the purposes and provisions of this charter, and said act so far as it is applicable is hereby enacted as part of this act.

May erect gates, &c.

SEC. 4. *Be it further enacted*, That the capital stock of the Louisville and Portland Railroad Company may be increased twenty-five thousand dollars, and the President and Directors of said company are authorized to raise said additional stock in the same manner they are already empowered to raise the capital stock of one hundred thousand dollars: *Provided*, that the relative proportion of stock own-

Capital stock of Louisville & Portland railroad increased.

1850.

ed by the Kentucky Institution for the Education of the Blind, as heretofore provided by a resolution of the Board of Directors of said corporation, shall not be changed by the increase of capital.

Directors to
be elected, and
when.

SEC. 5. The prudential affairs and concerns of said corporation shall be under the direction of a board of five Directors, who shall be elected annually on the second Tuesday in February in each year—one by the Trustees of the Kentucky Institution for the Education of the Blind, and the other four by the other stockholders in said corporation; and all of whom shall hold their offices for one year, and until their successors shall be duly elected and qualified.

Directors to
meet annually.

SEC. 6. The said Board of Directors shall meet on the second Monday after their election, in each and every year, and select from their own number a President, who may receive an annual salary, to be fixed by said board, and perform such duties as shall, from time to time, be enjoined on him by said board.

Powers of Di-
rectors.

SEC. 7. The said board of Directors shall have power to remove said President and to appoint a new one at discretion, and to fill all vacancies which may occur in their own body from any cause.

May appoint a
Secretary and
other officers.

SEC. 8. The said Board of Directors may appoint a Secretary and Treasurer for said corporation; employ such other officers or agents as they may deem expedient; prescribe their duties; discharge them at pleasure; and pay them for their services, out of the corporate funds, such compensation as they may think proper.

May pass by-
laws, &c.

SEC. 9. Said board of Directors are hereby empowered to establish all needful by-laws for the regulation of the elections of said President and Directors, and all the concerns of said corporation: *Provided*, the same be not inconsistent with the constitution or laws of this State.

Stock exempt
from tax by city,
&c.

SEC. 10. The capital stock, and all the property of said corporation, shall forever be exempt from taxation by the authorities of either the city of Louisville or the town of Portland.

Election of
Directors in '30,
legalized.

SEC. 11. The election made by the stockholders of said corporation on the 12th day of February, 1850, of Wm. H. Stokes, President, and H. Lewis, Robert G. Courtenay, Joseph Monks, Nicholas Albert, and Wm. S. Bodley, Directors, in said corporation, is hereby legalized; and said Board of Directors are hereby invested with all the powers vested in the Board of Directors hereafter to be elected; and said President and Directors shall continue in office until their successors are duly elected and qualified.

Directors may
release stock-
holders from
former subscrip-
tions.

SEC. 12. Said Board of Directors are hereby required to release and fully discharge every person, who may deserve it, from all liability for and on account of stock heretofore subscribed for by him to said corporation: *Provided*, that

no application for a release shall be made to, or entertained by, said board after the first Monday in April, 1850 : *And, provided*, that no stockholder shall be released until he has paid his *pro rata* of the liabilities of said corporation at the time said release may be demanded, and that no release shall be demanded except in writing.

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Stockholders,
how released.

SEC. 13. So much of the act, and amendatory act, incorporating the Louisville and Portland Railroad Company as comes within the purview of this act is hereby repealed.

Approved March 4, 1850.

CHAPTER 279.

AN ACT for the benefit of Nancy Pierce, of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Green Circuit Court may hold an inquest over Nancy Pierce, daughter of John Pierce, who is represented to be an idiot or lunatic, and if, upon said inquest, said Nancy be found to be an idiot or lunatic, said Court shall appoint a suitable person as committee for said Nancy, and shall appropriate the sum now allowed by law for the maintenance of idiots and lunatics, for her benefit.

Approved March 4, 1850.

CHAPTER 280.

AN ACT for the benefit of Morton A. Rucker.

Whereas, it is made manifest by the written statement of John P. Campbell, also the oath of John P. Campbell to the truth of the facts stated by Morton A. Rucker in his memorial, as well as a certificate given to said Rucker by order of the Board of Directors of the Logan, Todd, and Christian Turnpike Road Company, signed by their President, that upon a full and final settlement between said Rucker and said Board, there was due said Rucker, a contractor on said road, the sum of one thousand one hundred and forty four dollars and twenty five cents, for work and labor done and materials furnished by said Rucker on sections sixty nine and seventy of said road—fifteen dollars and forty cents of which have been paid—and that said Rucker is still entitled to one thousand one hundred and twenty eight dollars and eighty five cents, one third of which, according to the terms of his contract under the law, was to be paid in shares of stock in said road. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever the said Morton A. Rucker shall present to the Board of Internal Improvement

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satisfactory evidence of his having taken and received three hundred and seventy six dollars and twenty eight cents in shares of the stock of said Road Company, then the said Board of Internal Improvement shall cause to be paid, to said Morton A. Rucker, the sum of seven hundred and fifty two dollars and fifty seven cents, out of any money in the Treasury not otherwise appropriated: *Provided*, said Rucker first execute a receipt in full to said Board for all work and labor done and materials furnished on said Logan, Todd, and Christian Road.

Approved March 4, 1850.

CHAPTER 281.

AN ACT for the benefit of John Reid, and others.

Whereas, Sampson Reid departed this life in the year 1833, in Montgomery county in this State, after having first made and published, (what was intended to be,) his last will and testament; by which, said instrument of writing, certain slaves of said decedent, therein named, were to be free, on certain terms and conditions after the payment of his debts; and, whereas, also, it appears, that all of said debts have been paid off and discharged, and said slaves have been retained in slavery from the death of their said master, and a portion of them are still so held and retained, and the conditions of said intended will have not been fully complied with in this respect, and by reason of natural causes, which have arisen since the death of said Reid, cannot now be complied with in full; and, whereas, also, doubts are entertained as to the validity of said instrument of writing, as a last will and testament, because of a supposed defect in the attestation thereof, although it has been regularly recorded and treated as such for upwards of sixteen years; and that by reason of such supposed defect, and an entire failure of heirs and legal distributees, of said Sampson Reid, deceased, that said slave property, is undisposed of and has thereby vested in the Commonwealth of Kentucky, as well as the profits of hire and the earnings of said slaves since their master's death. For remedy whereof,

Claim of the
State to slaves
released.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all and any right, title, interest, claim, and demand, which the Commonwealth of Kentucky has acquired, or may hereafter acquire, to the persons or personal services of the negro woman Eleanor, and her children, Sophia, Caty, and John Quincy Adams, named in the said intended last will and testament of Sampson Reid, deceased, as well as to Sampson and Abigail, the two children of said Eleanor who have been born since the death of said Reid, and to the children of Caty,

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who have been born since his death, be and the same is hereby released, surrendered, and given up to them, the said Eleanor and her said children and grand children, respectively, fully, and completely, without any further power or control over them by the said Commonwealth, except as hereinafter stated and set forth.

SEC. 2. *Be it further enacted*, That all the right, title, interest, claim, and demand of the said Commonwealth of Kentucky, acquired as in the preamble set forth, to the profits, hire, or earnings of said Eleanor and her said children and each of them, since the death of said Reid, be and the same are hereby, in like manner, given up to, released, and surrendered to them, the said Eleanor and her said children, respectively, after first deducting such sum or sums of money thereout as may have been expended in the payment of the debts of said Reid, and such further sum or sums as may afford to the executors, named in said instrument of writing, a fair compensation for their services as such, respectively.

SEC. 3. *Be it further enacted*, That it shall and may be lawful, for said Eleanor and her said children, and each or either of them, to commence (or prosecute,) any suit or action, or cross action, that may have been commenced in the Montgomery Circuit Court, or other court having jurisdiction thereof, for the ascertainment and settlement with said executors, and all others, such sums of money as they are or may, by virtue of this act, become entitled to for their earnings, hire, or profits, of labor as hereinbefore stated; and that they have and shall receive the full benefit of any suit that may have been commenced by the Commonwealth of Kentucky, or any of the agents thereof, against said executors, or any other person or persons, for securing said negroes and their said hire or earnings, as the property of said Commonwealth, for any of the reasons above specified, and are hereby authorized to prosecute such suit or suits, if need be, for any of the purposes herein named.

SEC. 4. *Be it further enacted*, That said Eleanor and her said children and grand children, respectively, are only to have and enjoy the provisions of the first section of this act, upon the condition of removal from the State of Kentucky, and that the term of twelve months from and after the first day of September next be allowed them, and each of them, for the settling up his or their said business, and removing him or themselves from this Commonwealth: *Provided however*, that nothing herein contained shall be so construed, as to prohibit any or either of said persons from visiting the State of Kentucky hereafter when any lawful business may render such visitation necessary: *And, provided further*, that such visit or visits shall not exceed one month in duration.

Approved March 4, 1850.

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CHAPTER 282.

AN ACT for the benefit of the Somerset Artillery.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any number of persons, residing in Pulaski county, and liable to perform militia duty, not exceeding fifty in number, shall be entitled to become honorary members of the Somerset Artillery, upon making application to the Treasurer thereof and paying him three dollars, and such honorary members shall be exempt from performing militia duty (except in case of war or insurrection,) each year they shall pay three dollars each to said Treasurer; and the Treasurer's receipt shall be *prima facie* evidence of each member's right to exemption from performing militia duty for the year for which said receipt was given.

SEC. 2. That every honorary member shall be liable to pay each year to the Treasurer three dollars, who shall have power to sue, in his name, for the benefit of the Company, in the usual manner, any person who shall become an honorary member, according to the provisions of this act, and who shall, after becoming such member, fail or refuse to pay the sum of three dollars every year.

SEC. 3. That any honorary member may be expelled by a vote of a majority of the active members, at any of their regular meetings; and any honorary member may, at any time, resign his membership, in writing, and shall not be further liable to said Company, except for arrearages.

SEC. 4. That said Company shall elect a Treasurer and Collector, and make all necessary by-laws, not inconsistent with the laws of this State.

Approved March 4, 1850.

CHAPTER 283.

AN ACT for the benefit of the Sheriff of Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Sheriff of Grant county be allowed the further time until the first day of May next, to return his delinquent list of revenue tax for 1849.

Approved March 4, 1850.

CHAPTER 285.

AN ACT for the benefit of Milton Frazer, and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Milton Frazer, and George Ann Frazer, his wife, of the county of Lincoln, be and they are hereby made capable, in law, for the transaction of all business,

and by this act are authorized and empowered, in law, to make a settlement with the guardian of the said George Ann, and receive from said guardian any estate to which the said George Ann is entitled; and any receipts given by said Frazer and wife to said guardian, shall be as binding, in law, against said Frazer and wife as if they were of full age, and the said George Ann were not a *feme covert*; and the said Milton Frazer, and George Ann, his wife, are hereby made capable, in law, to do all acts and transact all business as fully and to the same extent as if they were of the full age of twenty one years.

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Approved March 4, 1850.

CHAPTER 287.

AN ACT to amend the charter of the Covington Fire Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first and fifth sections of the act incorporating the Covington Fire Insurance Company, approved January 24th, 1835, be and the same are hereby repealed, and that the name of said company is hereby changed to the name of the Covington, Fire, Life, and Marine Insurance Company; that A. L. Greer, Daniel Moorar, S. T. Wall, George M. Southgate, M. M. Benton, and the subscribers to the stock of said company, and their successors, shall be and are hereby declared to be a body politic and corporate, by the name and style of the Covington Fire, Life, and Marine Insurance Company, and by that name shall have perpetual succession, and be capable, in law, of suing and being sued, plead and being impleaded, answer and being answered, defend and being defended, in all courts of law or equity, and elsewhere, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell and convey, all such real and personal estate which shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment, of any debt which may become due and owing to the same, or in satisfaction of any judgment, order, or decree, of any court of law or equity in their favor; and to make and use a common seal, and the same to alter or renew at pleasure; and generally to do and perform all things relative to the objects of said institution, which now is or shall be lawful for any body politic or corporate to do.

1st & 5th sections of original act repealed.

Name changed, and corporate powers.

SEC. 2. That said company may establish a Mutual Life Insurance Department of business, upon the same plan and under the same rules and restrictions as provided in the charter of "the Kentucky Mutual Life Insurance Company," and, when so established, shall have perpetual succession, as provided in said charter.

May establish Mutual Life Insurance Department.

1850.

SEC. 3. That, hereafter, the number of Directors of said company shall be five, and shall be elected as provided in the original charter of said company.

Approved March 4, 1850.

CHAPTER 288.

AN ACT to incorporate the Chaplain and Bloomfield Turnpike Road Company.

Capital stock,
object of corpo-
ration, and cor-
porate powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and the same is hereby established, with a capital of fifteen thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a McAdamized turnpike road from the town of Chaplain, in the county of Nelson, to the town of Bloomfield, in said county, under the name and style of the Chaplain and Bloomfield Turnpike Company; and, as such, shall be a body politic; and by that name and style shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places of this Commonwealth; with power to acquire, possess, use, and occupy, all such real and personal estate as may be necessary and convenient for the site or route of said road, for piers and abutments of all such bridges as may be requisite on said road, and lots for the houses and residence of gate keepers; also, all necessary stone, gravel, and earth for the construction and repair of said road; and to have and use a common seal, and the same to alter and renew at pleasure; to make and ordain all such by-laws as may be necessary for the construction, promotion, or repair of said road, and the management of its prudential concerns, not contrary to the constitution and laws of this Commonwealth, or of the United States.

Width and
grade.

SEC. 2. That the width of said road shall not be greater than fifty nor less than thirty feet, and the artificial or McAdamized part not less than fifteen feet wide, and the graded part not less than thirty feet wide; and that said road shall be graded so as not to exceed in elevation three degrees at any part thereof, and the streams bridged when necessary.

Com'rs to
open books.

SEC. 3. That Haydon Edwards, Jos. McClosky, Jr., Elijah Davis, E. E. Murphy, R. L. Murphy, T. K. Marshall, Samuel Railey, G. W. Hobbs, John Bain, Wm. Morgan, Peyton McMeekin, John Stone, Jr., Spence Miner, H. Bemiss, H. E. Stone, and L. McKay, be and they are hereby appointed commissioners to open books for the subscription of the stock aforesaid, at such times and places as any two or more of said commissioners may deem expedient; and whenever one hundred shares of said stock shall have been subscribed for, the said commissioners, or any two or more

Meeting of
stockholders to
elect officers.

of them, to close the books and call a meeting of the stockholders at such time and place as they may deem convenient and proper, having first advertised in the towns of Chaplain and Bloomfield a reasonable length of time; and the stockholders, in pursuance of said call, shall choose a President and six Managers, in whom shall be vested all the powers of said corporation for the construction of said road, and the management and direction of its prudential concerns; and shall have power to re-open books for the subscription of the additional stock, and, if necessary to the completion of said road, increase their capital stock so much as may be necessary to complete the same; and each one hundred dollars worth of stock subscribed and paid for by any individual residing within one and one-half miles from said road, as finally located, shall entitle the owner thereof to an exemption of one hand from working on any public road so long as the owner thereof shall continue to reside within said distance of said road; and the owners of stock in said road shall, for each share of stock, be entitled to one vote in the election of President and Managers of said road; and after the first election, an annual election shall be held on the last Monday in May in each year; and the President and Managers shall hold their offices for one year, and until their successors are elected and qualified; and no person shall be eligible to the office of President or Manager without being a stockholder in said company, and shall vacate his office on ceasing to be one; and that the President and Managers, for the time being, may supply any vacancy occurring in their own board from any cause; and when an annual election shall not be held at the time prescribed in this act, the President and Directors may direct another to be held at such time and place as they may deem proper.

SEC. 4. *Be it further enacted*, That the company hereby chartered shall have four years to commence their work and ten years to complete it in; and it shall be lawful for the County Court of Nelson, a majority of the Justices concurring therein, and for the Trustees of the towns of Bloomfield and Chaplain to subscribe for and hold stock in said road company, and raise the money to pay for the same by an *ad valorem* tax upon the taxable property within their respective jurisdictions, and provide for the collection thereof as said Court or Trustees may severally direct: *Provided*, that nothing in this act shall be held as requiring the State to advance any money in aid of said corporation.

SEC. 5. That the President and Managers of the Chaplain and Bloomfield Turnpike Company shall be vested with all power, authority, immunities, tolls, privileges, and advantages, in all and every respect, that are now vested in the Bardstown and Louisville Turnpike Road Company, subject to the like limitations and restrictions as they are al-

1850.

Capital may be increased.

Exemptions from working other roads.

Annual Elections.

Qualification, Directors

Vacancies, how filled.

Limitation for commencing & completing road —County Court Nelson may subscribe stock and levy tax.

Bardstown & Louisville turnpike charter adopted.

1850.

tered and modified by this act: *Provided*, that but one gate shall be erected on said road, and at which the same toll may be exacted as is now exacted and collected at the single gates on the Bardstown and Louisville Turnpike Road.

Bloomfield &
Fairfield turn-
pike charter a-
mended.

Sec. 6. That the charter of the Bloomfield and Fairfield Turnpike Company, approved 14th of February, 1850, be so amended that it shall not be lawful for the County Court of Nelson to subscribe for stock in said road company, unless a majority of all the Justices of said Court concur therein.

Approved March 4, 1850.

CHAPTER 289.

AN ACT for the benefit of Joseph Myers, of Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in pursuance of the provisions of an act, entitled, an act prescribing the mode for a change of venue in criminal cases, approved the 23d day of February, 1846, the venue in the prosecution for felony now pending in the Nicholas Circuit against Joseph Myers is changed to the Harrison Circuit Court.

Approved March 4, 1850.

CHAPTER 291.

AN ACT for the benefit of the Trustees of Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Trustees of the town of Danville, be and they are hereby vested with the right, and empowered to extend the street known in said town as Green street, eastwardly, until it intersects with the turnpike road leading from Danville to Stanford; and when so extended, shall be and the same is hereby established as one of the streets of said town of Danville, to the intersection of said turnpike road. The Trustees, aforesaid, shall have the same jurisdiction and control over said street, so extended, which they now have over the other streets of said town.

Approved March 4, 1850.

CHAPTER 292.

AN ACT to continue in force an act offering a reward for the discovery of the disease called Milk Sickness, approved February 18, 1841.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, "an act to amend and continue in force an act offering a reward for the discovery

of the disease called Milk Sickness," approved February 18, 1841, be and the same is hereby re-enacted, and shall continue in force for the period of five years from the passage of this act.

1850.

Approved March 4, 1850.

CHAPTER 293.

AN ACT chartering the American Reform Medical Institute of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel K. Richardson, Gad Chapin, Jacob W. Earick, J. R. Hall, M. L. Lewis, George W. Doane, W. P. Thomasson, and their successors in office as Trustees, are hereby created a body corporate and politic, by the name and style of the American Reform Medical Institute of Louisville, and by such name shall have and enjoy all the rights and privileges of a natural person, in suing and being sued, answering and defending, in all courts of either law or equity. They may adopt a seal and change the same at pleasure. They may appoint all necessary officers, agents, and servants, and remove them for cause, and fix their compensation. They may adopt and execute all rules and by-laws necessary to effect the object of their incorporation, and for the government of said Institute.

Corporators' names, and corporate powers.

SEC. 2. Said corporation may acquire and hold, and sell and convey at pleasure, any property, real or personal, or if deemed advisable they may raise a fund, by subscription of stock, not to exceed one hundred thousand dollars: They may prospectively increase the number of Trustees to not exceeding twelve, or decrease them to not less than five. They may supply vacancies in their body, unless there is a fund raised by subscription, in which event the stockholders shall annually elect the Trustees of their number; the Board, for the time being, to appoint the time, place, manner, and officers (being stockholders,) of said election. In elections for Trustees the stockholders to cast one vote for each share up to five, and one vote for each additional five shares.

May hold property.

SEC. 3. The Trustees shall appoint a Medical Faculty, consisting of not more than seven nor less than five Professors; assigning to each Professor his department of medical science, on which to give instructions, on the principle and practice of the American Reform system of medicine: *Provided*, that no one shall be appointed to a Professorship in any department, except those of chemistry, physiology, and anatomy, who has not practiced medicine on the principles of Eclectic or American Reform system, at least two years previous to the time of his appointment. And if the Faculty of the American Reform Institute shall ever cease

Trustees to appoint Medical Faculty.

1850.

to teach the science of medicine on Eclectic or American Reform system, or shall inculcate the principles of another system as preferable thereto, this charter shall be thereby forfeited. The Trustees shall have power to remove any Professor, or expel any student from the Institute, for misconduct or want of capacity.

May confer
degrees.

SEC. 4. The Trustees, upon recommendation of the Faculty, may confer the degree of Doctor of Medicine, and may grant a diploma in usual form to such students as are qualified, stating therein the branches of study that the student has acquired a knowledge of. No diploma shall be granted unless the applicant shall have regularly attended two sessions of some incorporated medical school, the last of which shall be in said Institute, or where the applicant shall have been a respectable practitioner of medicine for three years, and shall have attended one session in said Institute. They shall have the right to refuse a diploma for the want of good moral character in the applicant. The right to amend or repeal this charter is hereby reserved to the General Assembly.

Approved March 4, 1850.

CHAPTER 294.

AN ACT for the sale of a school house and lot in Mayslick, and for other purposes.

Trustees may
sell school house
and invest, pro-
ceeds.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the town of Mayslick be and they are hereby vested with full power and authority to make sale of the stone school house and lot, situated in said town of Mayslick, and convey the same to the purchaser or purchasers thereof; and the said Trustees, when they shall make sale of said school house and lot, shall invest the proceeds thereof in a District school house, to be used by said town as a District common school house; and should the said Trustees fail to invest the said money received from the sale of said school house and lot, within a reasonable time after the collection of the same, in building another school house for the benefit of a common school, then, and in that event, the said Trustees shall account for interest on the money so received by them, to be applied for the benefit of the common school in said District, in which said school house and lot is situated.

"Trustees for
Greenville Aca-
demy or Semi-
nary appointed,
and powers
granted to them.

SEC. 2. *Be it further enacted*, That C. F. Wing, John Campbell, Josiah Griffith, Samuel D. Chatham, Charles Medsker, Thomas T. Walton, and Jesse H. Renoe, be and they are hereby constituted a body politic and corporate, to be known by the name and style of the Trustees of the Greenville Academy or Seminary of learning in Muhlenburg county, and as such shall have power to collect all money

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due said Academy, and make such repairs as they may deem necessary on said house; they shall have perpetual succession, and power to fill vacancies; to do all other things in relation to the Greenville Academy in the original act establishing certain academies, and for other purposes, approved January 18, 1810.

1850.

Approved March 4, 1850.

CHAPTER 295.

AN ACT to protect and provide for keeping up roads in Letcher county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person or persons who shall cut, roll, or drag any timber, stone, or other substance in any of the creeks, rivers, or other water courses, in Letcher county, where there has been, or may be, a road established, by order of the County Court of said county, whereby it injures said road, any person guilty of the said offence shall be liable to a fine of five dollars, recoverable before any Justice of the Peace for said county; and it shall be the duty of any Justice of the Peace, where he has received information of said offence, upon the oath of any person, or upon his own knowledge, to issue his warrant and cause said person or persons, so offending, to be brought before him or some other Justice of the Peace for said county, to answer the complaint of the Commonwealth; and if it shall appear that said person or persons are guilty, the said Justice shall render a judgment against said person or persons, for said offence, in a sum not exceeding five dollars and costs—one half to go to the informer, the other half to the further improvement of the road where said offence shall have been committed.

Penalty of cutting, rolling or dragging timber in streams, how recovered and applied.

SEC. 2. That where the prosecutor fails to prove the offence or offences, against the defendant or defendants, it shall be lawful for said Justice to render judgment against said prosecutor for all costs; said costs to be the same as now allowed in civil cases before Justices of the Peace: *Provided*, said defendant or defendants shall have the right of appeal to the County Court, under the same restrictions as now provided for in the prosecutions of appeals from Justices Courts on sums under five pounds.

Prosecutor to be liable for costs.

Approved March 4, 1850.

CHAPTER 296.

AN ACT for the benefit of John L. Ballinger, and others.

Whereas, George Davidson, Sen., departed this life about the year 1826, leaving a will and testament by which a certain parcel of land in the county of Lincoln, and State

1850.

of Kentucky, was devised to certain named executors for the use and behoof of the wife and children of his said testator's son, James Davidson, with authority in said executors to relinquish said executorship into the hands of a trustee; and, whereas, John L. Ballinger has been duly constituted trustee, in pursuance of the provisions of said will; and, whereas, said trustee, together with the wife and adult children of said James Davidson, do deem it to the advantage and interest of themselves and their co-heirs, who are infants, that said tract of land should be sold, and the proceeds thereof invested in another and more eligible tract or parcel of land.. Therefore,

Bill in chancery may be filed in Lincoln Circuit Court for sale of lands, &c., held in trust for Mrs. Davidson and children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Lincoln Circuit Court may, upon bill in chancery filed in the Lincoln Circuit Court, by John L. Ballinger, as trustee of the wife and children of said James Davidson, setting forth and establishing, by testimony, that the sale and conveyance of the aforesaid tract or parcel of land would redound to the interest of the said wife and children of said James Davidson, order and decree the same to be sold and conveyed by said trustee, in the name of said wife and children of said James Davidson: *Provided*, that said Judge shall require of said John L. Ballinger, trustee as aforesaid, bond with good security, to be approved of by said Judge, in a sum double the estimated value of said tract of land, conditioned to be void when said John L. Ballinger shall invest said sum of money, arising from the sale of said tract of land devised as aforesaid, in other lands, for the benefit and in the name of said wife and children of said James Davidson—said purchase and investment shall be evidenced by a certified copy of the deed taken for said other lands, together with the receipt for the sum paid therefor.

Approved March 4, 1850.

CHAPTRE 297.

AN ACT for the benefit of the Trustees of the town of Shepherdsville, in Bullitt county.

Bullitt Circuit Court may decree exchange of lot of ground in Shepherdsville.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Frederick Travis to file a petition in the Bullitt Circuit Court, stating that he is the owner of a tract of land adjoining the town of Shepherdsville, and is willing to convey to the trustees of said town, for public purposes, a strip of ground forty feet wide, commencing at the termination of Plum street, at the northern boundary of said town, and running from thence to the Key's ferry road, provided the said Trustees will convey to him, the said Travis, so much of west street as lies between the southern line of second

street and the northern extremity of west street. The Trustees, and all the persons owning property fronting on west street, shall be made parties to said petition, and if said Trustees and owners of property fronting on west street shall file their answers, consenting to the exchange aforesaid, and if the court, after hearing the case, shall be of opinion that it will be to the permanent advantage of the town of Shepherdsville, it shall and may be lawful for said court to decree a conveyance of so much of west street as lies between the said southern line of second and northern extremity of west street, to be made by a commissioner, to be appointed by said court, to said Travis, upon said Travis's executing and acknowledging for record, before the Clerk of the Bullitt County Court, a deed conveying the herein before described strip of land to the Trustees of said town. The deed, to be made by said commissioners, shall be approved by said Court, and certified to the Clerk of the County Court of Bullitt county for record.

1850.

SEC. 2. *Be it further enacted*, That an act, entitled, an act for the benefit of the Trustees of the town of Shepherdsville, in Bullitt county, approved February the 26th, 1847, be and the same is hereby repealed.

Approved March 4, 1850.

CHAPTER 298.

AN ACT establishing an additional precinct in the county of Trimble, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional election precinct be and the same is hereby established at the house of Levi H. Elliott, in the town of Palmyra, in the county of Trimble, to be governed and regulated by the existing laws.

Precinct established in Trimble.

SEC. 2. That an election precinct is hereby established at the house of Susan Kirk, on Ellington and Bear creek, in Carter county, to be governed by the general laws regulating elections.

Established in Carter.

SEC. 3. That the place of voting at the house of George Isoms, in Perry county, be moved to the store house of R. S. Brashears, at the mouth of leather wood, in said county.

Place voting in Perry changed.

SEC. 4. That there is hereby established an additional election precinct in Greenup county, at the house of William R. Smith, to be governed by the laws of this Commonwealth concerning elections.

Established in Greenup.

SEC. 5. That there be and is hereby established an election precinct at the house of John Knowles, in Warren county, to be regulated by the general laws concerning elections.

Established in Warren.

SEC. 6. That an election precinct be and the same is hereby established at Sidney Harris's, in Madison county.

Established in Madison.

Approved March 4, 1850.

1850.

CHAPTER 299.

AN ACT to incorporate Lafayette Lodge, No. 11, Independent Order of Odd Fellows.

* Corporators' names and powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That A. L. Offutt, D. M. Runyon, D. H. Smith, W. H. Story, J. R. Morris, W. W. Wise, D. F. Graham, Charles Nichols, F. A. Lyon, George L. Val-landingham, and George W. Martin, and their successors in office, on the part of Lafayette Lodge, No. 11, Independent Order of Odd Fellows, at Georgetown, Scott county, are hereby made a body corporate and politic, and by that name are hereby authorized and empowered to receive, by deed, a conveyance or otherwise, lands and other estate in said county to the value of any sum not exceeding twenty thousand dollars, and to hold the same, with its appurtenances, to and for the use and benefit of said Lodge; and in that name to sue and be sued, to plead and be impleaded, answer and be answered, and to exercise any and all other privileges belonging to a limited corporation.

By laws may be made.

SEC. 2. That the trustees, or their successors in office, or a majority of the same, may pass by-laws, rules, and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the protection, management, and safe keeping of their property; and the money received for any trespass or injury done on or to the property of the Lodge, shall be applied to the use and benefit of said Lodge.

By-laws to be submitted to the Lodge.

SEC. 3. That the by-laws, rules, and regulations, adopted by the trustees, shall be submitted by them to the Lodge for approval, and when approved shall be obligatory, and not before. The trustees shall consist of six members of the Lodge, to be elected annually at a stated meeting of said Lodge.

SEC. 4. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved March 4, 1850.

CHAPTER 300.

AN ACT to incorporate the Herrmann Benevolent Society of Louisville.

Corporate powers & privileges.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present members of the German Herrmann Benevolent Society of Louisville, and their successors, be and they are hereby constituted a body politic and corporate, by the name of the German Herrmann Benevolent Society of Louisville, Kentucky; and by that name shall have perpetual succession; and are hereby made able and capable of receiving, and by gift, grant, purchase, or devise, of acquiring any number of acres of land not exceeding , and any quantity and kind of

personal property, and to sell, ex-
same, at pleasure; to sue and be
pleaded, defend and be defended,
equity in the Commonwealth; to h
seal, and the same to alter and rene
and adopt a constitution and by-law
the laws and constitution of this Sta
of said Society, and for the regulatio
its affairs.

SEC. 2. The said Society may elect
in January and July next, and every ye
may deem proper, a President, Vice P
and Secretary, and such other officers as
to elect and appoint.

SEC. 3. That the said Society may sue and be sued by its
corporate name, and in all suits against the Society, service
of process upon the President, and in the absence of the
President, on the Vice President, and in the absence of the
President and Vice President, on the Secretary, and in the
absence of the President, Vice President, and Secretary, on
the Treasurer, shall be sufficient.

SEC. 4. That in case said Society shall ever be so re-
duced in number as not to contain as many as six mem-
bers, then it shall, *ipso facto*, be dissolved; and all the prop-
erty, which shall then belong to it, shall be vested in the
city of Louisville, and shall be applied under the direction
of the then Mayor and Council of Louisville to the support
of Public Schools.

SEC. 5. The Legislature reserves the power to alter,
change, amend, or repeal this act.

Approved March 4, 1850.

CHAPTER 301.

AN ACT for the benefit of Sarah Knott, of Washington county.

Whereas, it is now represented to this General Assembly
that George McKay did, by his last will, devise some ne-
groes, together with about forty acres of land, to John
Hughes, Jr., and John Calhoun, in trust for his daughter
Sarah Knott and her children, charged with the support of
said Sarah Knott and the support and education of her
said children; and, whereas, it is further represented, that
the said Trustees died some years since, and no other Trus-
tees have been appointed in their stead; and, whereas, it
is further represented, that since the death of the said
Trustees the said Sarah has become involved in debt, on
account of necessities purchased for her support, and the
support and education of her said children, and that it
would be to the interest of the said Sarah Knott, and her
children, to sell the said land in the place of the negroes—

the pub-
and the
for
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May sue and
be sued—service
of process.

What shall
cause a dissolu-
tion, and how
property shall
vest.

1850.

AN Act some of her said children are under age. There-

• Corporat
names and
era.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Sarah Knott to file her bill in chancery, in the Washington Circuit Court, making those (both infants and adults,) interested in said land, under the said will of George McKay, parties to said proceeding; that if the Judge of the said Court shall be of opinion that it will be more to the interest of the parties interested to sell the land, in the preamble mentioned, than to sell the negroes, to pay off the debts of said Sarah Knott, incurred in supporting herself and in supporting and educating her said children, then he shall decree the sale of the said land; and shall appoint a Commissioner to so apply the product of said sale, and to make said sale, and to convey the title of the land to the purchaser.

New Trustee
may be appoint-
ed, & sale trust
estate decreed.

SEC. 2. That if, at the next term of the Washington Circuit Court, a Trustee shall be appointed for said Sarah Knott, in the place of the Trustees of said Sarah appointed by the will of George McKay, then it shall be lawful for the said Trustee to file his bill, as directed in the first section of this act that said Sarah Knott shall, and the said Court shall, upon his bill so filed, have full power to decree the sale of the said land, to direct its proceeds to be applied as directed in the first section of this act, and to order the conveyance of the title of the said land to the purchaser; and the proceedings under either section of this act shall fully vest the purchaser of the said land, with a full and perfect title to the same.

Approved March 4, 1850.

CHAPTER 302.

AN ACT authorizing the County Court of Lawrence to convey a portion of the public square in the town of Louisa to the Methodist Episcopal Church, South, and for other purposes.

Lawrence C'ty
Court may con-
vey part public
square to M.
Church.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the County Court of Lawrence may, by order entered on their order book in open court, direct a certain portion of the public square in the town of Louisa to be allotted to the Methodist Episcopal Church, South, designating the number of feet in said order, which is given to said Church for a meeting house; or should a majority of the Justices in commission in said county choose to convey, by deed, for the purposes aforesaid, a portion of the public square, it shall be lawful for them to do so, designating in said deed the number of feet and what part of the square is conveyed; and that if the court shall enter on their order book, as in the first section mentioned, or the Justices in commission shall, by deed, convey, as pro-

vided for in this act, then the title to said portion of the public square shall be vested in said Church, for the purposes in this act mentioned: *Provided*, that nothing in this act shall be construed to authorize a sale of said ground; nor shall any building be erected thereon except for religious worship, and other benevolent purposes.

1850.

SEC. 2. *Be it further enacted*, That the County Court of Carter county be and they are hereby empowered to sell so much of the public square in the town of Grayson, in said county, as they may think right and proper—the proceeds to be applied to the fencing and improvement of the balance of said square: *Provided*, that a majority of the Justices of said County Court shall agree to such sale, and appoint; by order of said County Court, a Commissioner to make the sale; whose deed shall convey the legal title to the purchaser or purchasers of the part of said square so sold by order of said court.

Carter County Court may sell part of public square.

Approved March 4, 1850

CHAPTER 303.

AN ACT for the benefit of Samuel Shoemaker, of Washington county.

Whereas, it is represented to this General Assembly, that Samuel Shoemaker did keep and maintain John Daily, Sr., deceased, who died worth some four hundred dollars, and without heirs, and that the estate of said Daily escheated to the Commonwealth; and whereas, it appears that said Shoemaker has received no compensation for the keeping and maintaining said Daily. Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of fifty dollars be and the same is hereby allowed to Samuel Shoemaker, of Washington county, to be paid out of any money in the Treasury unappropriated: *Provided*, that the estate of said Daily has been paid into the Treasury: *Provided further*, that the Treasurer may pay the said sum whenever the said estate is paid into the Treasury, if the sum paid into the Treasury is equal to the said sum of fifty dollars.

Approved March 4, 1850.

CHAPTER 304.

AN ACT for the benefit of George W. King.

Whereas, George W. King, of Henderson county, has conclusively shown that he has been largely injured by slackwater on Green river, by the loss of his grist and saw mill on Sputman's creek, in Henderson county. Therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be and he is hereby directed to draw his warrant on the Treasurer, in favor of the said George W. King, for the sum of one thousand dollars, being in full compensation for said injury: *Provided*, the said King executes and files with said Auditor a release declaring that he accepts the said one thousand dollars in discharge of his claim.

Approved March 4, 1850.

CHAPTER 355.

AN ACT for the benefit of Jacob Corbett.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jacob Corbett be and he is hereby released from the payment of the balance of a bond executed by Lewis R. Richards, and said Corbett, as security, payable to the Commonwealth, for the purchase price of a negro boy named Stapleton, sold as a runaway slave out of the Ballard county jail, which bond is on file in the Ballard Circuit Court Clerk's office: *Provided*, that said Corbett shall execute bond, with approved security, in the penalty of seven hundred dollars, in the Ballard Circuit Court, conditioned to indemnify the State of Kentucky against any claim that Edly Powell, or any person, may have against the State on account of said negro.

Approved March 4, 1850.

CHAPTER 306.

AN ACT for the benefit of the children of Bob Reese, (a free man of color,) deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the estate of Bob Reese, deceased, a free man of color, after the payment of his debts, shall not go into the Treasury of said Commonwealth, but shall vest in Henry F. Cromwell, of the town of Cynthiana, in trust for the use and benefit of Wesley, John, Harman, and James, the children of said Bob Reese, deceased; but said estate shall in no wise be subject to the order or control of any master, as such, of either of said children, but the estate shall be managed and controlled by said Cromwell, as trustee for said children, and for their exclusive use and benefit, should the masters of said children assent thereto: *Provided*, said Cromwell give bond, with adequate and approved security, in the County Court of Harrison county, payable to the Commonwealth, but conditioned for the faithful accounting for the estate which may come to his hands, as trustee aforesaid, to the said children, together

with the increase of such estate, when required to do so by said court : *And, provided further*, that should said Cromwell refuse to act in the premises, or be guilty of any dereliction, the said County Court may appoint some other discreet trustee.

1850.

Approved March 4, 1850.

CHAPTER 307.

AN ACT for the benefit of the Trustees of Peters Meeting House, in Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Trustees of Peters Meeting House, in Simpson county, to sell the said house, and the grounds thereunto belonging, on such terms, and at such place as they may deem best : *Provided*, that the said Trustees do invest the proceeds thereof in the purchase of a parsonage, for the benefit of the Minister who may have the charge of the congregation now worshipping in said Meeting House.

Approved March 4, 1850.

CHAPTER 308.

AN ACT incorporating the Oxford and Georgetown Turnpike Road Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and is hereby formed, for the purpose of constructing an artificial McAdamized turnpike road from Oxford, in Scott county, to Georgetown, in the same county, to be known by the name and style of the Oxford and Georgetown Turnpike Road Company ; and by that name shall be a body politic and corporate.

Company
formed, name &
style.

SEC. 2. The capital stock of said company shall be not exceeding fifteen thousand dollars, to be divided into shares of fifty dollars each. Subscriptions for stock in said company shall be opened on the first Saturday in April next, or in a convenient time thereafter, and continue open two years, (unless the whole stock shall be sooner subscribed,) at Oxford, Georgetown, or some other point in said county, under the commissioners hereafter named.

Capital stock,
books to be
opened.

SEC. 3. The following persons are hereby appointed commissioners to receive subscriptions of stock, viz : B. F. Elliott, C. A. Ward, James H. Jouett, D. S. Allen, J. V. Risk, A. H. Offutt, and John M. Glenn, at Oxford ; and James F. Beatty, John J. Daviess, and D. G. Hatch, at Georgetown : at each of the above places, any two commissioners may act.

Com'rs to
open books.

1850.

Obligation to
be signed by sub-
scribers.

SEC. 4. That such of the commissioners as shall act, to open books for the subscription of stock, shall procure one or more books, and the subscribers shall sign the following obligation, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the Oxford and Georgetown Turnpike Road Company, the sum of fifty dollars for each share opposite our names, in such proportion, and at such times, as shall be determined by said company."

When meeting
of stockholders
to be held to
elect officers.

SEC. 5. That, so soon as five thousand dollars are subscribed in stock, it shall be the duty of said commissioners to give notice of a meeting of the stockholders, in the town of Oxford, for the purpose of choosing officers; the notice to be advertised fifteen days previous to such meeting, in the "Georgetown Herald," and by written notices at Oxford; and the voters, in choosing officers for said company, shall be regulated by the number of shares, allowing one vote for each share.

Stamping Gr.
& Great Cross-
ing turnpike
road charter
adopted.

SEC. 6. That so soon as the company is organized, the President, Managers, and other officers of said company, shall possess all the powers, authority, rights, and privileges, and may do all acts and things necessary for carrying on and completing said turnpike road, as well as laying out or locating said road, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Stampingground and Great Crossing Turnpike Road Company; and all the provisions of the act incorporating said Stampingground and Great Crossing Turnpike Road Company, are hereby enacted as part hereof, except so far as they are local in their application, or come in conflict with the foregoing or succeeding sections of this act.

Toll gate may
be erected.

SEC. 7. The President and Managers may erect a toll gate for every five miles of continuous road that may be finished: *Provided*, no gate shall be erected within less than one mile of Georgetown or Oxford. The right is hereby reserved to the General Assembly to alter or amend this act at pleasure.

Lincoln City
Court may take
stock in Lancaster
and Crab Orchard
road.

SEC. 8. That the Lincoln County Court be and is hereby authorized to take stock, to such an amount as it may deem expedient, in the Lancaster and Crab Orchard Turnpike Road Company; and said court is authorized to levy a sum not exceeding, annually, for the term of three years, three cents on the hundred dollars worth of property, to meet such subscription.

Com'rs ap-
pointed for
Nicholasville &
Jessemine turn-
pike road Co.

SEC. 9. *Be it further enacted*, That John G. Sims, Tho. D. Elmore, Tho. E. West, and Nathaniel Russell, be and they are hereby appointed commissioners, and that they have all the powers and privileges vested in the original commissioners appointed in an act to incorporate the Nich-

olasville and Jessamine Turnpike Road Company, approved 27th February, 1849.

1850.

SEC. 10. *Be it further enacted*, That the charter of the Cynthiana and Newtown Turnpike Road Company be so amended as to permit the company to go on and construct said road so soon as four thousand dollars shall be subscribed, to be expended between Newtown and Leesburg; and said company are allowed to expend said money, together with any other money so subscribed between said points; and that so soon as six thousand dollars shall be subscribed, to be expended between Leesburg and Cynthiana, the said company shall be allowed to expend the same, and as much more as may be subscribed, between said points.

Cynthiana & Newtown turnpike road charter amended.

Approved March 4, 1850.

CHAPTER 309.

AN ACT for the benefit of the children of John Crutcher, of Spencer county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for John Crutcher, as the guardian of his infant children, James B. Crutcher; Mildred Ann Crutcher, Sebret Crutcher, Stephen Crutcher, and Mary E. Crutcher, to file his petition in the Spencer Circuit Court, setting out that he has sold the negroes which descended to the said children from their grand father, James M. Beard, deceased, and the price at which said negroes were sold; if it shall appear to said Court that the sale was an advantageous one for the said children, said Court shall have power to ratify the same, but shall first require of the said guardian the like bonds to those required by law to be executed by guardians on application to sell infants real estate.

Spencer Circuit Court may confirm sale of slaves, Crutcher's children.

SEC. 2. *Be it further enacted*, That Henry Graddy, of Hopkins county, may file his bill in chancery, in the Hopkins Circuit Court, against William English's executrix and John Kelly's widow and heirs, and upon his setting forth in said bill that John Kelly, in his life time, held the legal title to a sixty acre tract of land in Hopkins county, which tract the said English, in his life time, bought of John Keneda, and Alice B. D., his wife, and that said Kelly acknowledged that he held the legal title for the use and benefit of William English, and agreed, since the death of English, to convey the same to English's executrix; said facts shall also be proved to said Court aforesaid; the said Hopkins Circuit Court may, upon a state of facts as set forth and proven, decree the legal title to the said Graddy from the heirs of said John Kelly, deceased, notwithstanding the agreement between said English and Kelly, deceased.

Hopkins Circuit Court may decree execution of contract on part of John Kelly's heirs, with H. Graddy.

1850.

ed, was not in writing: *Provided*, that said Court shall observe all the rules and regulations as required in other chancery causes: *And, provided further*, that William In-
 glish's executrix shall consent to such decree.

Approved March 4, 1850.

CHAPTER 310.

AN ACT for the benefit of James M. Harrison, of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be and he is hereby required to issue his warrant on the Treasury of this Commonwealth, for the sum of three dollars and eighty cents, in favor of James M. Harrison, and the Treasurer is hereby directed to pay the same.

Approved March 4, 1850.

CHAPTER 311.

AN ACT to amend an act, entitled, an act to enlarge the town of Stanford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to extend the limits of the town of Stanford, approved February 23, 1846, shall not be so construed as that the Trustees or Police of said town shall lay a tax or levy upon the negro or negroes employed in the cultivation of their farms, of those persons whose lands and houses, now included in the boundary of said town, as extended by said act of February 23, 1846; but the same be and they are hereby exempt from taxation by said town.

Approved March 4, 1850.

CHAPTER 312.

AN ACT for the benefit of Joshua T. Bradford, of Bracken county.

Whereas, John Schoolfield owned and possessed a ferry, from the town of Augusta, in the county of Bracken, across the Ohio river to the opposite shore; and, whereas, the said John Schoolfield conveyed the same to the trustees of Augusta College; and, whereas, the said trustees of Augusta College conveyed the said ferry to Sarah Armstrong, who mortgaged the same to one John Armstrong; and, whereas, the said John Armstrong filed his bill in chancery in the Bracken Circuit Court, foreclosing said mortgage, and the said ferry was sold under a decree of said court, and Joshua Taylor Bradford became the purchaser of the same; and, whereas, the said trustees of Augusta College, as well as the trustees of said town of Augusta, and the

Justices of the County Court of Bracken, have petitioned this Legislature to confirm the sale to said Joshua Bradford. Therefore,

1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sale aforesaid, under the decree of the Bracken Circuit Court, be and is hereby confirmed; and the said Joshua Taylor Bradford shall enter into bond, with approved security, upon the same terms and condition, with like penalties as provided for in an act, approved 27th day of January, 1827, confirming a transfer from John Schoolfield to the trustees of Augusta College.

Approved March 4, 1850.

CHAPTER 312.

AN ACT for the benefit of Willis Hoover and Alarina his wife.

Whereas, it is represented that, some years ago, Gabriel Warren was, by a decree of the Green Circuit Court, divorced from his wife Alarina, and she laboring under the belief that she was also divorced, and restored to all the rights and privileges of a single woman, afterwards intermarried with Willis Hoover; and they, the said Hoover and Alarina, are now living together as man and wife, and by said marriage have had one child. Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said marriage between the said Willis Hoover and Alarina, his wife, is hereby declared legal and valid to all intents and purposes, as if said Alarina had been, by said decree, divorced and restored to all the rights and privileges of a single woman.

Approved March 4, 1850.

CHAPTER 315.

AN ACT to establish an Election Precinct in Perry county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct is hereby established in the county of Perry, and the place of voting therein shall be at the house of Woollery Eversole.

Perry.

SEC. 2. That the place of voting in an election precinct in Washington county be changed from the house of Jacob Snyder to the house of William Dennis, Jr., in said county.

Washington.

SEC. 3. That an election precinct is hereby established at the house of Curtis Jett, in Breathitt county.

Breathitt.

SEC. 4. That an election precinct is hereby established at Newtown, in Scott county.

Scott.

Approved March 4, 1850.

1850.

CHAPTER 316.

AN ACT for the benefit of the Internal Improvement Fund of McCracken county.

Commission-
ers to settle ac-
counts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Milliken, William F. Norton, David Morrow, and Needham Stanly, of McCracken county, be and they are hereby appointed Commissioners, who, or any three of them, after being first duly sworn, shall examine, audit, and settle the accounts of the Board of Commissioners, and their Treasurer, for the county of McCracken, appointed by and under the provisions of the sixteenth section of an act, entitled, "an act for the internal improvement of the State Kentucky," approved February 28, 1835, from its organization to the time of making said settlement. They shall ascertain the gross sum of money received by said Board of Commissioners, or their Treasurer, from the "Receiver of public moneys west of the Tennessee river," since the 15th of January, 1835, and the gross amount disbursed by said Board, pursuant to the provisions of the sixteenth and nineteenth sections of the said recited act. If disbursements have been made by said Board without authority of law, or for purposes not contemplated by the provisions of the before recited act, the same shall be reported.

Power of com-
missioners.

SEC. 2. *Be it further enacted*, That the said Commissioners are hereby invested with power to summon, by subpoena or otherwise, such persons to appear before them to testify, together with such papers and books as they may deem necessary for the purposes of their settlement.

Settlement to
be reported to
County Court.

SEC. 3. *Be it further enacted*, That the said Commissioners shall make a report of their settlement to the County Court of McCracken, on or before the second Monday in November, 1850, and if the said Commissioners shall report a balance in the hands of said Board, or either of them, or their Treasurer, or shall report any amount of money received by said Board, or their Treasurer, not lawfully disbursed, it shall be the duty of the Justices of the Peace, composing the said County Court, by their County Treasurer, to demand the same; and in case of a refusal, by the said Board, or their Treasurer, to pay over the amount so reported against them, said County Court, by their County Treasurer, shall institute suit, by bill in chancery in the McCracken Circuit Court, against the said Board of Commissioners, and their Treasurer, who may answer and except to the settlement hereby directed to be made; and it shall be lawful for the Judge of said Court to pronounce a decree against the said Board, or their Treasurer, or either of them, for the payment, to the said County Treasurer, of any money or moneys which may be so reported against them.

SEC. 4. *Be it further enacted*, That the County Court of

McCracken is hereby constituted a Board of Internal Improvement for said county; and the Clerk of said court shall be made the Treasurer of the Internal Improvement Fund of said county, and shall give bond, with approved security, that he will faithfully disburse the same, according to the orders of the County Court. The said County Court shall use the money which may come to their hands, by virtue of the provisions of this act, or which may hereafter come to their hands by virtue of the provisions of an act, entitled, "an act for the internal improvement of the State of Kentucky," approved February 28th, 1835, in building bridges and improving the most important highways in said county. The said court is clothed with authority to demand and receive any money which, by the laws of this Commonwealth, may be directed to be paid over to the before recited Board of Commissioners; and so much of the last recited act as appoints said Board of Commissioners for the county of McCracken is hereby repealed. The provisions of this act shall in no wise impair the rights of the County Court of Ballard county, created by the provisions of an act, entitled, "an act appointing an Internal Improvement Treasurer for the county of Ballard," approved March 3d, 1842.

1850.
County Court constituted the Board.

Power & duty of the County Court.

Sec. 5. *Be it further enacted*, That the Commissioners appointed by this act shall receive, each, a compensation for the services hereby required of them, to be allowed by the County Court of McCracken county, out of the Internal Improvement fund of said county.

Compensation to com'rs.

Approved March 4, 1850.

CHAPTER 317.

AN ACT for the benefit of Cornelius J. Gordon, of Hopkins county, and others.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the provisions of the law now in force in this State upon the subject of idiots be and the same are hereby extended to Cornelius J. Gordon, of Hopkins county, who is represented to be a lunatic, or person of unsound mind: *Provided*, that, upon an inquest to be held in the Hopkins Circuit Court, he shall be found to be a person of unsound mind, and no hope of his recovery if sent to the lunatic asylum: *And, provided further*, that said court, in extending the provisions of said law to and for the benefit of said Gordon, cause an order to be made requiring the committee, who may be appointed to take charge of him, not to permit him to run at large, but to keep him within the enclosures of said committee, except when attended by some person who can control and manage him.

Cornelius J. Gordon, inquiry as to state mind to be had.

Sec. 2. *Be it further enacted*, That the provisions of this act shall be extended so as to include Greenberry Gosney, of Campbell county, and that any proceeding had for the

Greenberry Gosney.

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purpose of finding him a person of unsound mind, by inquest of a jury, shall be had in the Campbell Circuit Court.

Dorcas Smith.

SEC. 3. *Be it further enacted*, That the provisions of this act shall be extended so as to include Dorcas Smith, of Carter county, and that any proceedings had for the purpose of finding her a person of unsound mind, by inquest of a jury, shall be had in the Carter Circuit Court.

Joshua Robinson.

SEC. 4. *Be it further enacted*, That the provisions of the above act shall extend to Joshua Robinson, of Pike county, and that an inquest be held in the Pike Circuit Court for the purpose of ascertaining whether the said Robinson be a person of unsound mind.

Approved March 4, 1850.

CHAPTER 318.

AN ACT for the benefit of John Beard, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Adair County Court, a majority of the Justices being present and concurring therein, to levy a sum not exceeding forty dollars for the support of John Beard, Sr., and his wife, without requiring them to be kept at the poor house, so long as they remain citizens of said county, and be unable to support themselves.

SEC. 2. That the Morgan County Court is hereby authorized to make such allowance, as to them may seem proper, for the support of Cyrus Ward, a pauper of said county, without requiring him to be kept at the poor house of said county.

Approved March 4, 1850.

CHAPTER 319.

AN ACT for the benefit of Edward S. New.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be and he is hereby directed to issue his warrant, on the Treasurer, in favor of Edward S. New for the sum of twenty five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

Approved March 4, 1850.

CHAPTER 320.

AN ACT granting additional Constables to Trimble and Crittenden counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional Constable is

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hereby allowed to the county of Trimble, who shall reside in the village of Milton, in said county, or within one mile thereof.

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SEC. 2. That an additional Constable is hereby allowed to the county of Crittenden, who may reside in the town of Dycusburg.

Approved March 4, 1850.

CHAPTER 321.

AN ACT changing the name of Melissa Catharine West to Ann Catharine Flippin, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Melissa Catharine West, of Monroe county, be and the same is hereby changed to Ann Catharine Flippin, and that said Ann Catharine Flippin is hereby enabled to inherit any estate from, through, or by her father, Rholey M. Flippin, as though she was born in lawful wedlock.

Approved March 4, 1850.

CHAPTER 322.

AN ACT to establish an Election Precinct in Simpson county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an election precinct be and the same is hereby established in the county of Simpson, at the house occupied by Henry C. Williams in said county.

Simpson.

SEC. 2. *Be it further enacted,* That the election precinct heretofore established at the house of J. Trenchant, in the county of Jefferson, be and the same is hereby removed to the house of Daniel Gilman, in said county.

Jefferson.

SEC. 3. *Be it further enacted,* That an addition election precinct be and the same is hereby established in the county of Carroll, at the house of William Anderson in the village of Northville.

Carroll.

SEC. 4. *Be it further enacted,* That an election precinct be and the same is hereby established at the house of William R. Smith, in the county of Greenup.

Greenup.

Approved March 4, 1850.

CHAPTER 323.

AN ACT to allow an additional Justice of the Peace to Marion county, and an additional Constable to Madison county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional Justice of the Peace is hereby allowed to Marion county, who may reside in the town of Bradfordsville.

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SEC. 2. That an additional Constable be allowed to the county of Madison, who shall reside in the neighborhood of Posey precinct in Madison county.

Approved March 4, 1850.

CHAPTER 324.

AN ACT for the benefit of John H. Paxton, and for other purposes.

Paxton may
sell Church.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John H. Paxton be and he is hereby authorized to sell and convey a certain tract or parcel of land, lying on Little Benson, containing two acres, more or less, the same conveyed to said Paxton and others, as Trustees of Little Benson Presbyterian Meeting House, by William Hogsett, by deed bearing date the 12th of October, 1824, and said sale, authorized by this act, shall pass as good and valid title as if the same had been made by all the Trustees of Little Benson Meeting House, and recited in said deed.

Interest of
Cynthia Connel-
ly in certain
slaves may be
decreed to be
sold by Chan-
cellor.

SEC. 2. That the Judge of the Franklin Circuit Court may, on petition and affidavit filed in said court, by Benjamin Hieronymus, Alexander Connelly, and Cynthia Connelly, setting forth and establishing that it is to the interest of said Cynthia Connelly, who is *cestui qui trust* of said Benjamin Hieronymus, by deed of trust made and executed on the 1st of April, 1841, by said Hieronymus, and Alexander Connelly, decree the sale of certain slaves, trust property in said deed, or such part thereof as said Judge may deem proper, by the said Benjamin Hieronymus, as trustee, at such time, on such terms, and under such restrictions, as the said Judge may deem necessary to protect the rights of the said Cynthia Connelly, *cestui qui trust* as aforesaid, and the investment of the funds arising from said sale, in the purchase of such other real and personal property, for the use and behoof of the said Cynthia Connelly, as will be more suitable to the comfort and maintenance of the said Cynthia Connelly.

SEC. 3. That the sale and conveyance which shall be decreed and executed, in conformity with the provisions of this act, shall pass a good and valid title to said slave or slaves.

Approved March 4, 1850.

CHAPTER 325.

AN ACT to incorporate the Nashville and Louisville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to incorporate the Nashville and Louisville Railroad Company, passed by the

Legislature of the State of Tennessee on the ninth day of February, 1850, and in the words and figures following, to-wit: 1850.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing a communication, by Railroad, between the cities of Nashville, and Louisville in the State of Kentucky through the town of Gallatin, in Sumner county, commencing on the north bank of Cumberland river, at some central or convenient point, to the city of Nashville, the formation of a Company, to be called the Nashville and Louisville Railroad Company, is hereby authorized, which, when formed, shall have corporate existence in each of the States aforesaid: *Provided*, that said company shall have the privilege of crossing said river, and conveying to the city, from its depot on the north side of the river, freights and passengers, in cars drawn by animal power. Company created, & object.

SEC. 2. That the books, for subscriptions of fifty thousand shares of capital stock for said company, of one hundred dollars each, shall be opened on the first Monday in June next, and shall be kept open for one hundred days, between the hours of ten o'clock in the morning and four o'clock in the afternoon of each of those days, (Sundays excepted,) at the following places, and at such other places in the United States as the following Commissioners, or a majority, may designate: in the city of Nashville, Colonel E. H. Foster, John Shelby, J. P. W. Brown, and N. Hobson; in the town of Gallatin, Jo. C. Guild, Wm. M. Blakemore, Wm. H. Crutcher, and Elijah Bodie; in the town of Carthage, H. B. McDonald, and William Cullom; in the town of Scottsville, William F. Evans, J. C. Mulligan, A. Drane, and R. J. Foster; in the town of Glasgow, G. W. Trabue, B. B. Crump, J. W. Ritter, and Wm. Garnett; in the town of Bowlinggreen, A. G. Hobson, Jacob Vanmeter, C. T. Dunavan, and Thomas Quigley; in the town of Munfordsville, G. T. Wood, B. L. Kerr, Lewis Barret, and John Brown; in the town of Bardstown, Ben. Hardin, C. A. Wickliffe, Daniel Howell, and Thomas W. Riley; in the town of Elizabethtown, J. L. Helm, C. G. Wintersmith, Thomas S. Crutcher, and Bryan R. Young; in the city of Louisville, James Guthrie, H. T. Curd, Hamilton Smith, and Jas. Trabue; who shall have the power to appoint three persons in the towns and cities of any of the States of these United States, to open books for a similar purpose, and to fix such days as they may think proper, before the first day of June next, for opening books and receiving subscriptions for capital stock. Books to be opened, capital stock.

SEC. 3. That any three of the above named Commissioners, or of such persons as may be appointed by them for that purpose, shall, at each of those places nam- Commissioners.
Com'rs to open books and receive subscriptions for stock.

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ed, or such as may be named or designated, open books and receive subscriptions for stock in the said Railroad Company, during the times the said books are directed to be kept open; and on each share, to be subscribed, shall demand and receive the sum of five dollars, without which the subscription shall be void.

Forward list of subscribers to central committee.

Sec. 4. That so soon as the time for receiving subscriptions, so as aforesaid, shall have expired, the said Commissioners shall, respectively, deposit all the money, so received by them, in some incorporated Bank, redeeming its notes in specie, in the State where the notes shall have been received, to the credit of the Nashville and Louisville Railroad Company; and shall, also, forward a correct list of all the subscribers to said stock, with the number of shares each subscriber has taken, to a central commission, to be composed of the following persons: John J. White, of Gallatin; John G. Rogers, of Glasgow; and C. A. Wickliffe, of Bardstown; Neil S. Brown, of Nashville; and James Guthrie, of Louisville; who, or a majority of whom, shall meet at the town of Glasgow, in the State of Kentucky, on the first Monday in November, 1850, and ascertain the whole number of shares taken in said company, and publish the same in some newspaper in the city of Nashville and in the city of Louisville, on or before the third Monday of November, 1850; and if the number of twenty thousand shares shall have been subscribed, on each of which there shall have been paid the sum of five dollars, the Nashville and Louisville Railroad Company shall be regarded as formed; and the said central commission, or a majority of them, shall sign and seal four duplicate declarations to that effect, with the names of all the subscribers appended, and cause these duplicates to be deposited in the offices of the Secretaries of the States of Tennessee and Kentucky; and thenceforth, and from the day of closing the books of subscription, as aforesaid, the said subscribers of the stock shall form one body politic and corporate, in deed and in law, in the States aforesaid, by the name and for the purpose aforesaid.

Central com. may fill vacancies.

Sec. 5. That in case of any of the persons forming said central commission shall not attend at Glasgow, on the first Monday in November, 1850, or, attending, should refuse or be unable to act, the remaining member or members of said central commission shall forthwith fill the vacancy, and the person or persons, so appointed, shall constitute a part of said commission.

When 20,000 shares are subscribed, company declared formed, &c.

Sec. 6. But if, on closing the books aforesaid, the number of twenty thousand shares shall not have been subscribed, then, and in that case, the said central commission, by themselves or their agents, may receive subscriptions from any of the States of these United States, and also from

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individuals or bodies corporate, until the number of twenty thousand shares shall have been subscribed: *Provided*, the same shall be done on or before the first day of January, 1855; and when the said number of fifty thousand shares shall have been subscribed, the said subscription shall be closed, the subscribers shall thenceforth form a body corporate, as aforesaid, and the declaration thereof shall be made and deposited in the offices of the Secretaries of State, in manner aforesaid; subscriptions for stock, received by the said central commission, or their agents, shall be accompanied with the certificate of some specie paying Bank, in some of the said States, that an amount equal to five dollars on each share subscribed has been deposited by the subscribers, to the credit of the said company.

SEC. 7. If, on closing the books on the first day of January, in the year one thousand eight hundred and fifty-five, the number of twenty thousand shares shall not have been subscribed, the money paid by each subscriber shall be returned to him, by one or more of the Commissioners who received it, endorsing on the receipt given for it a check on the Bank where it has been deposited, which the Bank shall be bound to pay only in case the central commission, or a majority of them, shall have published a declaration that the formation of the company has failed, for want of twenty thousand shares being subscribed.

If company is not organized, money paid on stock to be returned.

SEC. 8. The said Nashville and Louisville Railroad Company, so formed as aforesaid, shall have succession of members for ninety-nine years, may have a common seal, may sue and be sued, plead and be impleaded, in any court of law or equity; and may make all such regulations, rules and by-laws as are necessary for the government of the corporation, or for effecting the object for which it is created: *Provided*, that such regulations, rules and by-laws shall not be repugnant to the laws and constitutions of the said States or the United States: *Provided*, that notice or service of process upon the principal ostensible officer or agent of the company, in the State from whose court that process emanated, shall be deemed and taken to be due and lawful notice or service of process upon the company, so as to bring it before the court.

Corporate powers.

SEC. 9. The affairs of said company shall be managed and directed by a Board, to consist of ten Directors, of whom two shall be elected from stockholders residing in the State of Tennessee, and five from the stockholders residing in the State of Kentucky, and the remaining three shall be elected from among all the stockholders, without regard to their place of residence.

Directors.

SEC. 10. The President of the company shall be elected by the Directors, from among their own members, in such manner as the regulations of the corporation may prescribe.

President.

SEC. 11. As soon as the number of twenty thousand

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shares shall be subscribed, in manner aforesaid, it shall be the duty of the Commissioners, appointed to declare the same, to appoint a time for the stockholders to meet at Glasgow, in the State of Kentucky, which they shall cause to be published in one or more newspapers in each of the States of Tennessee and Kentucky; at which time and place the said stockholders, in person or by proxy, shall proceed to elect the Directors of the company, and to enact all such regulations, rules and by-laws as may be necessary for the government of the corporation, and the transaction of its business. The persons elected Directors, at this meeting, shall serve for such period, not exceeding one year, as the stockholders may direct; and, at this meeting, the stockholders shall fix on the day and place or places where the subsequent elections of Directors shall be held; and such elections shall thenceforth be annually made; but if the annual elections should pass without any election of Directors, the corporation shall not be thereby dissolved, but it shall be lawful, on any other day, to hold and make such election, in such manner as may be prescribed by a by-law of said corporation.

Vacancies, &
how filled.

SEC. 12. The Board of Directors may fill all vacancies which may occur in it, during the period for which the Board may have been elected, and, in the absence of the President, may fill his place by electing one of their body a President *pro tempore*.

Contracts.

SEC. 13. All contracts and agreements, authenticated by the President of the Board, shall be binding on the company, without seal; or such other mode of authentication may be used as the company, by their by-laws, may adopt.

Contracts
shall not exceed
in amount capital
stock.

SEC. 14. The Board of Directors shall not exceed, in their contracts, the amount of the capital of the corporation, and the funds which the company may have borrowed and placed at the disposal of the Board; and in case they should do so, the President and Directors who may be present and making such contract or contracts, so exceeding the amount aforesaid, shall be jointly and severally liable for the excess, both to the contractor or contractors and the corporation: *Provided*, that any one may discharge himself from such liability, by voting against such contract or contracts, and causing such vote to be recorded on the minutes of the Board, and giving notice thereof to the next general meeting of the stockholders.

Construction
of the road.

SEC. 15. The company shall have power and may proceed to construct, as speedily as their means will permit, railroads with one or more tracks, to be used with steam, animal or other power, which will pass through the State of Tennessee or Kentucky, so as to form continuous lines of said road between the cities of Nashville and Louisville; and the lines of said road shall be established by the Board of Directors, subject to the control of the stockholders at a

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general meeting; the said company may use any section of the railroad, by them to be constructed, before the whole shall be completed, subject to the rates hereinafter mentioned: *Provided*, that said contemplated road shall be so located as that, in its course, it shall touch at the town of Gallatin, in the State of Tennessee, in such manner as to afford to said town all the benefits of which the road is capable; and there shall be a suitable and convenient depot established at some proper place, in said town of Gallatin, by the company, adequate to the business, commerce and trade of said town.

SEC. 16. The said company may, by consent of the Legislatures of Tennessee and Kentucky, construct branches of their road: *Provided*, said branches shall not conflict with any chartered rights, existing at the time of their construction: *And, provided*, that they shall be attended with no exclusive privileges, except the exclusive right of transportation of goods, wares, merchandise, produce, and persons, thereon, subject to the rates hereinafter mentioned; *And, provided also*, that nothing in this act shall prevent the State, through which any part of the said road or its branches may pass, from establishing rights of way across such main road or branches.

Branches.

SEC. 17. That the said company shall have the exclusive right of transportation or conveyance of persons, goods, wares, merchandise, and produce, over the said railroad and its branches, by them to be constructed: *Provided*, that the charge for transportation or conveyance shall not exceed thirty-five cents per hundred pounds, on heavy articles, and ten cents per cubic foot, on articles of measurement, for every hundred miles, and five cents a mile for every passenger: *And, provided also*, that the said company may, when they see fit, farm out their rights of transportation on the said road, or any of its branches, subject to the rates above mentioned.

Company to have exclusive right to use road
Charges for transportation.

SEC. 18. The said company, and every person who may have received from them the right of transportation of goods, wares, merchandise, and produce over the said road, shall be deemed and taken to be common carriers, as respects all goods, wares, merchandise and produce, entrusted to them for transportation.

Company, &c. to be deemed common carriers.

SEC. 19. The Board of Directors may call for the payment of ninety-five dollars on each share of the stock, in sums not exceeding five dollars, in every sixty days, except that after eighty dollars have been paid on each share, the remaining twenty dollars may be called for in two instalments, which shall be at least sixty days apart, or the payment may be called for in smaller sums, and at more distant periods; the call for each instalment shall be advertised in one or more newspapers in Nashville and Louisville, and at such other places as may be direct-

Calls on stock

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ed by the rules of the company, at least one month before the time the same is to be paid, according to the rules of the company; any of the instalments, so called for as aforesaid, shall induce a forfeiture of the share or shares on which default shall be so made, and all payments thereon; and the same shall vest in and belong to the company, and may be restored to the owners by the Board of Directors, if they deem proper, on the payment of all arrears on such shares, and legal interest thereon; or the Directors may sue the stockholders for their instalments due, at their discretion.

Stock trans-
ferable.

Sec. 20. The stock in said company may be transferred in such manner and form as may be directed by the by-laws of the company.

Capital stock
may be increas-
ed.

Sec. 21. The said company may, at any time, increase the capital of said company to a sum sufficient to complete the said road, or its branches, and stock it with every thing necessary to give it full operation and effect, either by opening books for new stock, or by selling such new stock, or by borrowing money on the credit of the company, on the mortgage of its charter and its works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting.

Board of Di-
rectors to make
annual reports,
&c.

Sec. 22. The Board shall, once in every year at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if directed by a by-law, and shall have power to call a general meeting of the stockholders, when the board may deem it expedient; and the company may provide, in their by-laws, for occasional meetings being called, and prescribe the mode thereof; and the company may provide, by a by-law, for the votes of stockholders for Directors being taken at more than one place, as also for taking their votes on any question relative to the repeal, alteration, or amendment of, or addition to, any of the rules, regulations, or by-laws of the company, proposed by the general Board of Directors.

May vest their
capital & profits
in stocks.

Sec. 23. It shall be lawful for the said company, from time to time, to vest so much or such parts of their capital, or of their profits, as may not be required for immediate use, until it may be so required, in the public stocks of either of the States of Tennessee or Kentucky, or of any incorporated Bank in the said States: *Provided*, the sums, so invested, shall at no one time exceed one million and a half of dollars.

President and
Directors to be
citizens of the
U. S., &c.

Sec. 24. No person but a citizen of the United States, and being a *bona fide* stockholder, in his own right, of at least twenty shares, which he shall have held at least three months previous to his election, (except at the first election,) shall be President or a Director of the general board; nor shall any stockholder vote, in person or by proxy, at

any general or other election, (except the first,) who shall not have held, in his own right, the share on which he offers to vote, at least three months previous to such election.

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SEC. 25. The stockholders may provide, by a by-law, as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for transacting business, at any regular or occasional meeting of stockholders or Directors.

Quorum.

SEC. 26. No member of the Board of Directors, or officer, or agent, or servant of the company, shall be, directly or indirectly, interested in any contract for work; nor shall any Director vote on the passing of any bill for materials in which he is directly or indirectly concerned; nor shall any Director, officer agent or servant of said company be interested directly or indirectly in the purchase of lands, buildings, or other property immediately on the line of said railroad, or any of the branches thereof, without first having offered to the Board of Directors, in writing, the right of pre-emption to all or any part of such lands, buildings, or other property, which the said board may think proper to purchase for the use of the company; and every Director, officer, agent, or servant, violating this provision, may be removed from the board, his office, or employment, by vote of the Directors; and every purchase made in violation of this section shall enure to the benefit of the company, if the Board of Directors choose to avail themselves thereof.

Members of Board, &c., not to be contractors.

SEC. 27. Any stockholder in the company may vote by proxy, who must be a resident citizen of the U. States, and before he votes, he may be required by a stockholder, to swear, that to his belief, the stock *bona fide* belongs to the person whom he represents; before any stockholder votes in his own right, or for any estate, he may be required by any stockholder, to swear that he is the *bona fide* owner of the stock, in his own right, or as the legal representative of the testator, or intestate, whom he represents, and that no person but himself, or the estate, is directly or indirectly interested therein, to his belief. Any State holding stock may vote by such person as the Legislature or Governor thereof may appoint, or as may be appointed in any other way, pursuant to the laws of the State made for that purpose.

Proxies, how voted.

SEC. 28. That in voting in the election of Directors, and in voting on all questions which may come before a meeting of stockholders, or which may be submitted to the decision of the stockholders in any other manner, the votes shall be taken according to the following scale: the owner of one or two shares shall be entitled to one vote; the owner of not less than three, and not more than four shares, shall be entitled to two votes; the owner of not less than five, nor

Ratio of representation of stock.

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more than six shares, shall be entitled to three votes; the owner of not less than seven, nor more than eight shares, to four votes; the owner of not less than nine, nor more than eleven shares, to five votes; the owner of not less than twelve, nor more than fifteen shares, to six votes; the owner of not less than sixteen, nor more than twenty shares, to seven votes; the owner of not less than twenty-one, nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four, nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled therefor, to one vote: *Provided*, that no individual, corporation, or State, holding stock in said company, shall be entitled to more than two hundred votes, and one vote for every fifty shares over three thousand shares. Any person being a subscriber or stockholder, who may offer to vote, as a proxy, may be required by any subscriber or stockholder, to swear that he has no interest, directly or indirectly, in the stock on which he offers to vote as proxy; a trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestui que trust* holds other shares, either in his own name, or in the name of another trustee; but the *cestui que trust* may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

Property which
company may
hold.

SEC. 29. The said Company may purchase, have and hold, in fee, or for a term of years, any lands, tenements, or hereditaments, which may be necessary for the said road, or any branch or appurtenance thereof, or for the erection of depositories, storehouses, houses for the officers, servants, or agents of the Company, or for workshops, or for founderies, to be used for the said company, or for procuring timber, stone or other materials necessary to the construction of the road, its branches or apparatus, or for effecting transportation thereon, and for no other purpose whatever.

May cross
roads, rivers,
&c.

SEC. 30. The said company shall have the right, when necessary, to conduct the said railroad, or any branch thereof, across or along any public road or water course: *Provided*, that the said road, and the navigation of such water course shall not be thereby obstructed.

May purchase
roads or bridges

SEC. 31. The said company may purchase, have, and hold, any bridge or turnpike road over which it may be necessary to carry the said railroad; and when such purchase is made, to hold the said bridge or turnpike road on the same terms, and with all the rights which belong to the individual, or individuals, or corporation, from which such purchase may be made: *Provided*, that the said company shall not obstruct any public road without constructing another as convenient as may be.

SEC. 32. That where any lands or right of way may be required, by the said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five Commissioners, or a majority of them, to be appointed by the Circuit Court of the county where some part of the land or right of way is situated; and the said Commissioners, before they act, shall severally take an oath before some Justice of the Peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation the Commissioners shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land being taken, or the right of way surrendered, and also, the benefit and advantage he, she, or they may receive from the erection or establishment of the railroad or works, and shall state, particularly, the nature and amount of each, and excess of loss and damage over and above the benefit and advantage shall form the measure of damage, or valuation of the said land or right of way; the proceedings of said Commissioners, accompanied with a full description of the land or right of way, shall be returned under the hands and seals of a majority of the Commissioners, to the Court from which the commission issued, there to remain of record; in case either party to the proceedings shall appeal from the said valuation, to the next session of the Court, granting the commission, and give reasonable notice to the opposite party of such appeal, the Court shall order a new valuation to be made by a jury, who shall be charged therewith, in the same term, or as soon as practicable, and their verdict shall be final and conclusive between the parties, unless a new trial shall be granted; and the parties shall have the right of appeal to the Supreme Court, or Court of Appeals; the party appealing shall be governed in all respects by the laws regulating appeals in the State where said case or cases may be tried; and the lands or right of way, so valued by the Commissioners or jury, shall vest in the said Company, in fee simple, so soon as the valuation may be paid, or when refused, may be tendered; when there shall be an appeal, as aforesaid, from the valuation of the Commissioners, by either of the parties, the same shall not prevent the works intended to be constructed from proceeding; but where the appeal is made by the Company, requiring the surrender, they shall be at liberty to proceed in their work, only, on condition of giving the opposite party a bond with good security, to be approved of by the Clerk of the Court where the valuation is returned, in a penalty equal to double the valuation, conditioned for the payment of the said valuation and interest, in case the same may be sustained, and in case it be reversed, for

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Right of way,
and lands how
to be relinquish-
ed to company,
&c.

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the payment of the valuation thereafter to be made by the jury, and confirmed by the Court.

Condemnation
of lands, mate-
rials, and right
of way.

SEC. 33. In the absence of any contract or contracts, with the said Company, in relation to lands through which the said road or its branches may pass, signed by the owner thereof, or by his agent, or any claimant in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land, upon which the road or any part of its branches may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted to the Company by the owner or owners thereof; and the said Company shall have good right and title thereto, and shall have, hold, and enjoy the same, to be used only for the purposes of the said road, and no longer, unless the person or persons owning the said land, at the time that part of the said road, which may be on the said land, was finally surveyed and located, or those claiming under him, her, or them, shall apply for an assessment of the value of said land, as herein before directed, within one year after that part of said road was finally surveyed and located, and he, she, or they, notified thereof, in writing; and in case the said owner or owners, or those claiming under him, her, or them, shall not apply for such assessment within one year after the said part was finally surveyed and located, and he, she, or they, notified thereof, as aforesaid, he, she, or they, shall be forever barred from recovering the said land, or having any assessment, or compensation therefor: *Provided*, that nothing herein contained shall affect the rights of femes covert or infants, until two years after the removal of their respective disabilities.

Lands of the
State, how vest-
ed in company.

SEC. 34. All lands not heretofore granted to any person, not appropriated by law to the use of the State, within one hundred feet of the centre of said road, or its branches, which may be constructed by the said Company, shall vest in the Company so soon as the line is definitely laid out through it, and any grant thereafter shall be void.

Penalty for vi-
olating rights of
company.

SEC. 35. That if any person or persons shall intrude upon the said railroad, or any branch thereof, or part thereof, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said Company, he, she, or they, shall forthwith forfeit to the said Company all the vehicles that may be so intruded on the said road, and the same may be recovered by suit at law; and the person or persons, so intruding, may also be indicted for a misdemeanor, and upon a conviction, fined and imprisoned by any Court of competent jurisdiction.

Penalty for
damages to prop-
erty of compa-
ny.

SEC. 36. If any person shall wilfully or maliciously destroy, or in any manner hurt, damage, or obstruct, or shall wilfully and maliciously cause, or aid, or assist, or counsel

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and advise, any other person or persons, to destroy, or in any manner to hurt, damage, injure, or obstruct, the said railroad, or any branch thereof, or any bridge or vehicle used for, or in the transportation thereof, such person or persons, so offending, shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of the court before which such conviction shall take place, and shall further be liable to pay all the expenses of repairing the same; and it shall not be competent for any person, so offending against the provisions of this clause, to defend himself, by pleading, or giving in evidence, that he was owner or agent, or servant of the owner of the land, where such destruction, hurt, damage, injury, or obstruction, done or caused, at the time the same was caused or done.

Sec. 37. Every obstruction to the safe and free passage of vehicles on said road, or its branches, shall be deemed a public nuisance, and may be abated as such, by any officer, agent, or servant of the company; and the person causing such obstruction, may be indicted and punished for erecting a public nuisance.

Sec. 38. The said company shall have the right to take, at the store-houses they may establish on or annexed to their railroad, or the branches thereof, all goods, wares, merchandise, and produce, intended for transportation; prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as they by rules may establish, which they shall cause to be published, or as may be fixed by agreement with the owner, which may be distinct from the rates of transportation: *Provided*, that the said company shall not charge or receive storage on goods, wares, merchandise, or produce, which may be delivered to them at their regular depositories for immediate transportation, and which the company may have the power of transporting immediately.

May charge storage.

Sec. 39. The profits of the company, or so much thereof, as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may hold.

Dividends.

Sec. 40. That the capital stock in the said company, the dividends thereon, and the roads and fixtures, depots, workshops, warehouses, and vehicles of transportation, belonging to the said company, shall be forever exempt from taxation in each and every of the said States of Tennessee and Kentucky; and it shall not be lawful for either of the said States, or any corporate or municipal police, or other authority thereof, or of any town, city, county, or district thereof, to impose any tax on such stock or dividend,

Stock & profits exempt from tax.

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property or estate: *Provided*, the stock or dividend, when the said dividend shall exceed the legal interest of the State, may be subject to taxation by the State, in common with, and at the same rate as money at interest, or interest thereon; and when the State shall impose a tax on the dividends declared, in favor of the stockholders of the company, the tax shall extend only to such proportion of the said dividend and capital stock, as the part of the road in that State shall bear to the whole road, from the profits of which the said dividends have arisen; which tax, when imposed, shall be retained by the company, out of said dividends, and paid to the State; but no tax shall be imposed so as to reduce the part of the dividends to be received by the stockholders below the legal interest of the State.

Officers of Co.
exempt from
serving on ju-
ries and militia
duty.

SEC. 41. The following officers and persons in the actual service of the said company be, and are hereby, exempt from the performance of jury and ordinary militia duty, viz: The President of the Board of Directors; the chief and assistant engineers; the secretaries, auditors, and accountants of the board; keepers of the depositories; guards stationed on the road to protect it from injury, not exceeding one man to every five miles, and such persons as may be working the locomotive engines, and traveling with cars for the purpose of attending to the transportation of goods or passengers on the road, not exceeding one engineer and his assistant, and the necessary firemen to each locomotive engine, and one person to each passenger car and every five cars for transporting goods, &c.

Not to engage
in banking.

SEC. 42. The said company is hereby expressly prohibited from carrying on any banking operations, and from effecting any insurance on lives or property, except on goods transported on said railroad or its branches, or in the company's custody for or in consequence of such transportation.

Corporate
powers defined.

SEC. 43. And the said company shall be entitled only to such powers and privileges as shall be granted to it by all the legislatures incorporating it, and the powers necessary and proper to give them effect, and shall be subject to all the restrictions and disabilities which may be imposed on it by either of the said legislatures by the act of incorporation, so that its powers, privileges, and disabilities, may be similar in all the States of Tennessee and Kentucky.

States & cor-
porations may
make branches.

SEC. 44. Any individual, individuals, bodies corporate, or States, may construct branches to unite with the main road from Nashville to Louisville, or any branch thereof, with the permission of the legislatures of the State where such branches may be situated, and by and with the written assent of the President and Directors of said railroad company; and it shall be the duty of the said company, when required, to receive on their road and its branches, the fully loaded freight cars from such branches so to be

united with them, and to transport the same to their point of destination, and to return them, if required, without changing the loads thereon, or charging for the transportation of the goods, wares, merchandise, and produce therein, any greater rate of freight than they charge for similar goods, wares, merchandise, and produce, in their own cars: *Provided*, that the company shall not be compelled to receive any such cars on their road or branches, unless they are constructed in the same manner, and are of equal strength with their own cars, of which the engineers of that section of the main road shall be the judge; *And provided*, that the company shall not be compelled to receive any car from such branches, without receiving payment for at least twenty miles transportation: *And, provided also*, that the said company shall be entitled, in all respects, to similar and equal privileges on any branches constructed to unite with their road or branches, subject to the same restraints.

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SEC. 45. The said company shall begin the construction of said road within five years from the first day of June, eighteen hundred and fifty; and complete the main road from the termination at Louisville to Nashville, within fifteen years from and after the passage of this act.

When work to be commenced, &c.

SEC. 46. When the road shall be completed from the termination at Louisville to Nashville, it shall be the duty of the company to keep all parts thereof in a state for regular transportation on the whole length thereof; and in case the said railroad shall be out of repair, or so injured in any part as to interrupt the transportation thereon, it shall be the duty of the company, with due expedition, to repair the same; and in case the company should neglect unreasonably so to do, it shall be lawful for a judge of the court of last resort, having general chancery powers in the State where such repair is required, at Chambers, after due notice to the company, to make an order that no charge shall be made for transportation of goods, wares, merchandise, or produce, on any part of said road, within twenty-five miles of said interruption; which order shall not release the company from their obligation to transport on all the parts of the road which may be in repair: *Provided*, that no such order shall be made when it shall appear to the judge that the company has used due diligence to make the said repair, or that the part injured is incapable of being restored, or that another line of road, or another mode of conveyance may be beneficial to the public, substituted in place of the part injured or out of repair; which order of the judge shall be continued in force only until the expiration of ten days after the next meeting of the court of last resort, of which the said judge shall be a member, unless the same shall be confirmed by the said court; and any judge of the said court, at Chambers, may repeal such

Road to be kept in repair.

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original or confirmed order, on evidence that the injury is repaired, or the substitute provided, and transportation is resumed on the part of the road embraced in said order.

President and
Directors to ap-
point officers,
agents, &c.

SEC. 47. That the said President and Directors, or a majority of them, may appoint all such officers, agents, engineers, and servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to fix and determine, by contract, the compensation of all the engineers, officers, agents, servants and others, in the employment of the said company, and regulate, by their by-laws, the manner of adjusting and settling all accounts in favor of or against the company; that they, or a majority of them, shall have power to erect buildings and depots for the storage and safekeeping of articles entrusted to or with them for transportation, and for workshops, offices, and other purposes necessary for the business, or for the safe-keeping of the locomotives, cars, and other property of the company; and they, or a majority, shall have power to direct the manner, and by what evidence the stock in said company may be transferred.

May make
examinations,—
surveys, routes.

SEC. 48. The President and Directors, or a majority of them, shall have power to cause such examinations and surveys to be made for the route of such railroad, and branches, as may be necessary to the selection by them of the most advantageous line, route, course, or way, for said railroad, and shall, as soon thereafter as practicable, select and determine the route on which said railroad shall be constructed, and locate the same.

May borrow
money, &c.

SEC. 49. That said corporation shall have power and authority to borrow, not exceeding two millions of dollars, at an interest not exceeding seven per cent. per annum, and to pledge and mortgage the road, or any other property, or any part thereof, belonging to the company, to secure the payment of the money so borrowed, and may issue bonds or certificates of stock therefor; but no bonds, certificates of stock, or notes, shall be issued to circulate as bank notes.

Charter may
be amended.

SEC. 50. This charter shall, from time to time, be amended by the Legislatures of the States of Tennessee and Kentucky, whenever the President and Directors shall unanimously petition for amendments, specifying in the petition the nature of the amendments; and when such amendments shall be adopted by the Legislatures of the States of Tennessee and Kentucky, and submitted to the Directory, and be accepted and adopted unanimously by the President and Directors, they shall be obligatory on the stockholders, and not otherwise.

SEC. 51. That this act shall become a law whenever the State of Kentucky may enact the same, for the same pur-

pose, with such modifications and amendments as they may deem right, not inconsistent with the provisions hereof: *Provided, however,* that if the said State of Kentucky should not enact or co-operate in this charter during the present year, when the same is enacted, the time shall be allowed thereafter as is now allowed to do and perform certain things required by the provisions of this act.

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When & upon what conditions to become a law.

LANDON C. HAYNES,
Speaker of the House of Representatives.

JOHN F. HENRY,
Speaker of the Senate.

Passed 9th February, 1850.

Correctly engrossed January 30th, 1850.

G. H. KYLE, *Chairman Committee on Enrollments.*

be and the same is hereby adopted and re-enacted, to take effect and become a law from and after its passage, in all respects and to every intent and purpose, in accordance with and in conformity to the 51st section of said act and its proviso, and all the other provisions of the above recited act of the Legislature of Tennessee; the intention of the Legislature of Kentucky being to concur, by the foregoing enactments, fully and entirely with the enactments of the said Legislature of the State of Tennessee, the proposed charter and enactments in relation thereto, being common and identical.

Adopted and re-enacted by Legislature Ky.

Be it further enacted, That the Mayor and Board of Councilmen of the city of Louisville, and the Trustees of towns and County Courts of counties, through or near which this road may pass, a majority of all the members of the Board of Councilmen of said city, of the trustees of said town, and of the Justices of said County Courts concurring therein, be and they are hereby authorized to subscribe for, and on behalf of said city and towns and counties respectively, as many shares of capital stock of said railroad as to them may seem expedient, and to levy the sum so subscribed on the taxable property of said city, towns, or counties; and the better to ascertain the public sentiment of said city, towns, and counties, in reference to the propriety of said subscription of stock herein authorized, said Board of Councilmen, the Trustees of towns and County Courts are hereby authorized, in such manner as they may direct and prescribe, to submit the same to a vote of the qualified voters of said city, towns, and counties, respectively, for their approval or rejection.

Towns in Ky. may take stock.

Approved March 4, 1850.

1850.

CHAPTER 327.

AN ACT for the benefit of James Vessels.

Whereas, James Vessels claims of the Commonwealth a certain sum of money for work and labor done on the Bardstown and Green River Turnpike Road, and the State owes to her herself to deal justly with all her citizens. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Local Board on that section of said road where said work was done, be and it is hereby authorized and required to examine into the claim of said Vessels, and make report of all the facts connected with said claim, together with the opinion of said Board, to the Board of Internal Improvement, who shall report the same to the next General Assembly, with their opinion as to the justice and validity of said claim.

Approved March 4, 1850.

CHAPTER 328.

AN ACT to amend the charter of the Petersburg and Burlington Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the President, Directors and Company of the Petersburg and Burlington Turnpike Road Company, be and are hereby authorized, so soon as three continuous miles of said road shall have been completed at either end, to erect two gates, one on the Burlington and the other on the Petersburg end of said road, and to exact tolls for traveling thereon, in proportion to the rates of five miles travel, as now allowed.

SEC. 2. *Be it further enacted,* That should a vacancy occur in the Board of Directors from any cause, it shall and may be lawful for the Board aforesaid to fill such vacancy until the next ensuing annual election.

Approved March 4, 1850.

CHAPTER 329.

AN ACT to amend the charter of the Paris and Flat Rock Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Board of Managers of the Paris and Flat Rock Turnpike Road Company shall have power, in locating the road they are about to construct, to vary the same from the location of the present road, in all cases where they may deem it advisable so to do; but in no case shall such variation be made, unless the owners of the land, over which the proposed variation shall pass, consent in writing to the same.

Sec. 2. That Joseph Wilson and Warren B. Rogers, be and they are hereby added to the Commissioners, whose duty it is to open books for the subscription of stock at Flat Rock.

1850.

Approved March 4, 1850.

CHAPTER 330.

AN ACT to incorporate the Mortonville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company shall be formed, for the purpose of making an artificial road, on the McAdams plan, from the Versailles and McCoun's road near Mortonville, to intersect the Lexington, Harrodsburg, and Perryville Turnpike, near South Elkhorn Meeting House in Fayette county, or between that and the farm of Cyrus Kenny in Jessamine county, under the name and style of the Mortonville Turnpike Road Company; and by that name shall be a body politic.

Corporate
name & style.

SEC. 2. The capital stock of said Company shall be thirty thousand dollars, divided into shares of one hundred dollars each. Books for the subscription of stock shall be opened at Mortonville, and other points convenient to said road, on the first Friday in May next, or in convenient time thereafter, and continue open for one year, unless the whole stock shall have been sooner subscribed, and shall be under the direction of the following Commissioners, viz: at Mortonville, Josiah Felix, Robert Sullivan, Jeremiah Wilson, and Z. Ford; for Jessamine county, Cyrus Kenny, N. Blackford, J. E. Sadowesky, and R. C. Graves.

Capital stock.

Com'rs to
open books.

SEC. 3. The subscribers to the stock of said Company shall sign, in a book, an obligation of the following tenor, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the Mortonville Turnpike Road Company the sum of one hundred dollars for each share set opposite our names, in such proportions, and at such times, as shall be determined by said Company."

Obligation of
subscribers.

SEC. 4. That so soon as one hundred and fifty shares are subscribed, it shall be the duty of the Commissioners to give notice of a meeting of the stockholders of said Company, in the town of Mortonville, and other places on said route, at least fifteen days, for the purpose of choosing officers for said Company; and in the election of officers one vote shall be allowed for each share.

Com'rs to give
notice of meet-
ing of stock-
holders.

SEC. 5. That the width, grade, and metal of said road shall be regulated by the provisions and regulations of the Versailles and Nicholasville Turnpike Road Company, approved March 1, 1848, and the several acts amendatory thereto, (except so far as said acts and amendments may

Width of road,
&c.

1850.

be local and inapplicable,) shall be and are hereby adopted and enacted as part of this act.

Trustees of
towns, &c. may
take stock.

SEC. 6. That it shall be lawful for the Trustees of any towns, or any county, or any corporation created by law, by their agent, to subscribe for and hold shares in the capital stock of said Company, in the same manner that individual persons may, and to have and exercise the same right of representing their stock by the votes of their respective agents, and enjoy all the rights and privileges that any stockholder may enjoy.

President and
Directors, pow-
ers, duties, &c

SEC. 7. That the officers of this Company shall consist of six Directors and a President, to be elected annually by the stockholders; and said officers shall possess all the powers, authority, rights and privileges, and shall and may do all acts and things necessary for carrying on and completing said Turnpike road, as well as laying out and locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Versailles and Nicholasville Turnpike Road Company approved as aforesaid.

Approved March 4, 1850

CHAPTER 392.

AN ACT to incorporate the Green and Hart county Turnpike Road Company.

Name & style. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be formed under the name and style of the Green and Hart County Turnpike Road Company, for the purpose of forming an artificial road from Greensburg, in Green county, to the Hart county line, in a direction to the Turnpike Road leading from Bardstown to Glasgow, near the Bear Wallow, by the nearest and most practicable route.

Capital stock. SEC. 2. That the capital stock of said Company shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

Books to be opened. SEC. 3. That books for the subscription of the stock, in said Company, shall be opened at such times and places as may be agreed upon by the commissioners hereinafter named, viz: Lewis Strader, Frederick Moss, Dabney M. Sandidge, Samuel A. Spencer, Robert Bibb, Felix T. Murry, Thomas W. Lisle, John J. Durham, or a majority of them, who are appointed commissioners. The said commissioners shall procure one or more books, and the subscribers to the stock of said Company shall sign the following obligation, in

Obligation of
subscribers.

such book or books, viz: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company of the Green and Hart County Turnpike

Road Company, the sum of ~~five~~ dollars for each and every share of stock in said Company set opposite our respective names, in such manner and proportions, and at such times, as shall be required by the President and Directors of said Company, and agreeably to an act of the General Assembly of Kentucky incorporating said Company. Witness our hands, this day of 18 .” The said commissioners shall give notice of the time and place of opening the books for the subscription of stock, by written advertisement, posted at Greensburg and Mitchell’s Mill, in Green county, and such other public places as deemed advisable. The books may continue open until the amount of capital stock be subscribed.

1850.

Com’rs to give notice of opening books.

SEC. 4. Whenever five continuous miles of said road shall be completed, the company may erect a toll gate and charge toll; said gate not to be erected within one mile from Greensburg.

Gate to be erected when 5 miles are finished.

SEC. 5. That said Company may be organized so soon as, in the opinion of said commissioners, or a majority of them, there shall have been subscribed stock enough to construct five miles of said road; and that so soon as said Company is organized, by the election of officers, the President and Directors shall possess all the powers, rights, and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing the same; and may have and enjoy all the rights and privileges, and subject to all the duties and restrictions, as are given and granted to the Lebanon, New Market and Springfield Turnpike Road Company, by an act approved February 18, 1848, (except as herein provided,) and all the provisions of said act (except so far as they may be local in their application or conflict with this charter,) are hereby enacted as part of this act.

Com. when to be organized.

President and Directors, powers and duties.

SEC. 6. That when said Company is organized, they may have the power and authority to construct and make said road with stone, gravel, or plank, as said Company may deem best; and the provisions of this charter are hereby extended to the charters incorporating the Green and Larue County Turnpike Road Company, and, also, the Green and Taylor County Turnpike Road Company. The Legislature reserving the right to alter, change, or amend this charter.

May construct road of stone, gravel or plank.

Approved March 4, 1850.

1850.

CHAPTER 333.

AN ACT to change the name of Joseph Warford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Joseph Warford be and the same is hereby changed to that of Joseph McDonner, and by that name he shall, hereafter, be called and known.

Approved March 4, 1850.

CHAPTER 335.

AN ACT for the benefit of Sarah H. McKee, and others.

Whereas, it is represented that George R. McKee, by deed bearing date the 10th day of March, 1849, conveyed, in trust, to Lewis Landram, for the benefit of his son, Lucian W. McKee, and his wife Sarah H. McKee, and such other child or children as the said Sarah H. should bear to him, a certain negro boy slave named Andrew, and one named Bob, together with fourteen and three-quarter acres of land in Garrard county, near Lancaster; and, whereas, it is represented that it would be greatly to the interest of said Sarah H. McKee, and her children, to have said land and negro boys, Bob and Andrew sold. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Lewis Landram and Sarah H. McKee, or either of them, to file a bill in the Garrard Circuit Court, making said infant children and said George R. McKee defendants thereto, and on satisfactory proof being made to the Judge of said Court that it would be to the interest of said Sarah H. McKee, and her infant children, to sell said trust property, or any part thereof, and re-invest the proceeds of said sale in stocks and other property, real or personal, or to put the same out on interest, the said Judge is authorized and empowered to enter up such decree in the cause as to him shall seem just and equitable: *Provided*, that he shall require bond, with approved security, in an adequate penalty, to be executed by the trustee, payable to the Commonwealth of Kentucky, with such conditions as may be required by law, for the faithful execution of the trust confided to him.

Approved March 4, 1850.

CHAPTER 336.

AN ACT further to regulate the town of Paintsville, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That at the time the citizens of the town of Paintsville elect their Trustees, it shall be the duty of the person or persons, on receiving the votes, to pro-

Duties of the
Judges of elec-
tions.

pound to each voter the following interrogatory: "Are you for or against the sale of spirituous liquor in the town of Paintsville, and within one mile of the town boundary?" which vote shall be set down as given either for or against the proposition.

1850.

Sec. 2. If it shall turn out at the election aforesaid, that a majority of votes have been cast against the sale of liquor, as mentioned in the first section of this act, the Johnson County Court shall not be permitted to grant any license to keep a tavern, in which spirituous liquors shall be retailed, within the limits in the first section of this act mentioned, nor shall any person be authorized, as retailers of dry goods, to sell spirituous liquors within the limits in the first section of this act mentioned, any law to the contrary notwithstanding; and for any violation of the provisions of this section, in addition to the penalties now existing by law, the person or persons, so violating the same, shall be subject to a fine of twenty dollars, which may be recovered by the Trustees of said town, by warrant, before any Justice of the Peace; and when recovered, applied to the improvement of said town.

Johnson City
Court not to
grant license to
sell liquor in
Paintsville, &c.

Sec. 3. *Be it further enacted*, That the provisions of this act be and are hereby extended and applied to the town of Whitesburg, in Letcher county.

Whitesburg
entitled to pro-
visions of this
act.

Approved March 4, 1850.

CHAPTER 337.

AN ACT for the benefit of William Joshua Barney and Georgiana his wife.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Joshua Barney and Georgiana F. Barney, his wife, may unite in the sale and conveyance of a lot of ground, situate in the town of Maysville, which was devised to the said Georgiana by her paternal grand-mother, Jane Carroll, deceased, and that the said William Joshua Barney and Georgiana Barney may unite in the sale and conveyance of certain lots, situate in the city of Louisville, of the following description: two hundred and fifty three (253) feet by one hundred and sixty one (161) feet, on the north eastern corner of Chesnut and Mulberry streets; two hundred and seventy seven (277) feet by one hundred and sixty one (161) feet, on the north western corner of Madison and Mulberry streets; and eighty nine (89) feet by one hundred and sixty one (161) feet, on the south side of Walnut street, between Clarke and Mulberry streets; the said lots having descended, by inheritance, to said Georgiana from her maternal grandfather, George R. C. Floyd, deceased.

Sec. 2. That such conveyance or conveyances, when duly executed and delivered according to the laws now in

1850.

force providing for the privy examination of *femes covert*, and for the relinquishment of dower and estate of *femes covert*, shall be as effectual to pass the title of said Georgiana Barney in and to either or all of said lots of land as if she were of full age, her disability to convey as aforesaid on account of non-age being by this act wholly removed.

Approved March 4, 1850.

CHAPTER 339.

AN ACT to extend the limits of the town of Monticello, and to amend the laws in relation thereto.

Town boundaries.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the boundary of the town of Monticello, shall hereafter be all the territory included in a square, having for its centre the Court House in said town, and extending therefrom five hundred yards in each direction to the cardinal points.

Appeals may be taken from Police Judge's decisions.

SEC. 2. That in all cases cognizable before the Police Judge of said town, appeals may be taken and prosecuted under the same rules and regulations that appeals are taken and prosecuted from the judgments of Justices of the Peace.

Shows, Pedlars, &c., to obtain license.

SEC. 3. That it shall not be lawful for any person or persons to exhibit any show, circus, or theatrical performance, in said town, or for any person or persons to sell any goods, wares, or merchandise, not the growth or manufacture of the county of Wayne, in said town, until he, she, or they shall have obtained from the Board of Trustees of said town a license so to do; and said board may require, before granting such license, the payment of not more than ten dollars for such license; and any person or persons violating this section of this act shall be liable to a fine of not more than ten dollars, nor less than five dollars, to be recovered by warrant before the Police Judge of said town, and collected as other fines, and paid over to the Treasurer for the use of said town.

Approved March 4, 1850.

CHAPTER 340.

AN ACT for the benefit of the devisees of James Dunlap.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Judge of the Greenup Circuit Court, upon petition filed, or bill in chancery, by the executors or devisees of James Dunlap, deceased—making all the parties interested in said estate parties to said suit—to proceed as in a case now provided for by

law ; said Court, upon all parties being before him by process—adults, femes covert, and infants—shall have full power, if he shall be satisfied that the interest of the devisees will be advanced, to ratify and confirm, by decree, any sale heretofore made by the adult devisees ; or direct a new sale of the property ; authorizing and empowering, in either case, a competent Commissioner to complete and effectuate said conveyance.

1850.

SEC. 2. *Be it further enacted*, That the Court shall have full power to hear and determine the cause aforesaid, at the first term when all parties are before said Court.

Approved March 4, 1850.

CHAPTER 341.

AN ACT to amend the charter of the Dry creek and Covington Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the President and Directors of the Dry Creek and Covington Turnpike Road Company to open and construct the unfinished portion of said road, (or so much thereof as they may see fit,) twenty five feet in width, instead of thirty, as provided for in the 6th section of an act incorporating said company.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the President, Directors and Company of the aforesaid turnpike road, when three and one half miles shall have been completed, together with good and substantial bridges across Dry creek and Pleasant run, to charge for traveling thereon the same amount of toll, that they would be authorized in charging were five miles completed : *Provided*, that when five miles shall have been completed, the charges shall not be increased : *Provided further*, that the net tolls arising from said road shall be appropriated to the completion of said five miles.

Approved March 4, 1850.

CHAPTER 342.

AN ACT to amend the charter of the Shepherdsville and Louisville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, "an act to revive and amend the charter of the Shepherdsville and Louisville Turnpike Road Company," approved February 26, 1848, be so amended as to authorize said company to organize when the sum of ten thousand dollars shall be subscribed, instead of the twenty thousand dollars as now prescribed by said act.

1850.

SEC. 2. *Be it further enacted,* That the County Courts of Bullitt and Jefferson county shall not have the right, under said act, to subscribe for stock in said road, until a majority of the voters, by petition or vote, shall so decide.

Approved March 4, 1850.

CHAPTER 343.

AN ACT to amend the charter of the Covington and Lexington Railroad Company.

Certain counties may take stock, and levy tax to pay for it, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the counties of Kenton, Pendleton, Harrison, Bourbon, and Fayette—and should it be determined to extend the road or branches to Georgetown, Winchester, Richmond, or Danville, then also the counties of Scott, Clarke, Madison, Jessamine, Mercer and Boyle—for the purpose of making payment of their subscriptions to the stock of said Company which they are authorized to make, the County Courts of said counties shall levy and collect a tax on the taxable property within the jurisdiction of each, not exceeding one half of one per cent. per annum, for five years, to be collected as the revenue tax is collected: *Provided,* that before a subscription shall be made and the tax levied, the question of levying the tax shall be submitted to the voters of the county; and if a majority of the votes cast shall be in favor of the tax, the same shall be levied.

Vote to be taken on levying tax, &c.

Sheriff, &c., to collect railroad tax, &c.

SEC. 2. That the Sheriff, or other officer, collecting said tax, shall do the same when collecting the revenue, and shall pay the said road tax to the Treasurer of said Company; and such collecting officer, for failing to collect or pay over said tax, shall be liable and may be proceeded against in the same manner as for delinquency in collecting or paying over the revenue. The tax payers may, however, pay the tax direct to the Treasurer of said Company, if done within three months after the public notice shall be given that the tax for said year is due and unpaid. In the event the tax payer shall fail to pay the tax within the time aforesaid, and the Sheriff or other officer shall collect the same, there shall be added thereto the commission of seven per cent., which shall go to the Collector in full compensation for his services.

County Court to appoint day for vote on tax.

SEC. 3. That the County Courts of the counties aforesaid shall appoint a day for the vote to be taken, and shall give sufficient public notice thereof; and when a majority of the votes cast shall be in favor of a subscription, the Court shall immediately subscribe the same in accordance with the vote.

SEC. 4. The Company shall expend the proceeds of the stock, thus subscribed, to the construction of the road with-

in the limits of the county where the same is obtained, until such part of the road shall be completed.

SEC. 5. The receipts for said tax shall entitle the holder to an equal amount of stock in said Company. Said receipts shall be transferable by assignment, and when any person shall hold to the amount of fifty dollars, he shall receive from the Company a certificate of a share of stock therefor.

1850.

Receipts for tax to entitle holder to equal am't of stock.

SEC. 6. That said Company shall have power and authority to extend said road, or branches, to Georgetown, Winchester, Richmond, and Danville, or any one of them; and in the location and construction of such extension, and obtaining the right of way and materials, the Company shall have the power and may proceed in the same manner as in the construction of the main road.

Company may extend road, or make branches.

SEC. 7. The President and Directors shall have power to appropriate money to defray the expenses and pay such salaries to officers, and compensation to agents, as they may deem proper.

May appropriate money for expenses, salaries, &c.

SEC. 8. That when said tax is collectable, the Treasurer shall appoint an agent to attend at each Court House in which county the tax is due, who may receive and receipt for such tax.

Tr. to appoint ag't to receive tax in each ct'y.

Approved March 4, 1850.

CHAPTER 344.

AN ACT declaring Genat's Creek, in Lawrence county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Genat's Creek, in the county of Lawrence, from the mouth thereof to the Rush Fork, be and the same is hereby declared a navigable stream: *Provided,* this act is not to be construed to interfere with any vested right, at the passage of this act.

Approved March 4, 1850.

CHAPTER 345.

AN ACT to authorize the Grant County Court to change the State road from Warsaw to Monticello School House.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Grant County Court have power to change that part of the State road from Warsaw to Monticello School House, which runs through the land of James Ewing: *Provided,* the Court shall be of opinion such change will be to the interest of the public.

SEC. 2. That said Court may change that part of the road which runs through the land of Simon Nichols and Hezekiah Thomas, in Grant county: *Provided,* the Court shall be of opinion such change will be to the interest of the public.

Approved March 4, 1850.

1850.

CHAPTER 346.

AN ACT to incorporate the Taylorcounty Turnpike Road Company.

Name & style. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be formed under the name and style of the Taylor county Turnpike Road Company, for the purpose of forming an artificial road from the top of Muldrow's Hill, in said county, near the residence of James Sanders, to the town of Campbellsville, by the nearest and most practicable route.

Capital stock. SEC. 2. That the capital stock in said road shall be twenty five thousand dollars, to be divided into shares of fifty dollars each.

Books to be opened.
Com'rs. SEC. 3. That books for the subscription of stock in said Company shall be opened at such times and places as may be agreed upon by the Commissioners, viz: James Sanders, Ignatius Abell, John B. Chandler, Ariel Hoskins, A. F. Gowdy, and James W. Livley, who, or a majority of them, shall procure one or more books, and the subscribers to the stock shall sign the following obligation therein, viz: "We, whose names are hereto subscribed, do promise to pay to the President, Directors and Company of the Taylor county Turnpike Road Company the sum of fifty dollars for each share of stock in said Company set opposite our respective names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said Company, and agreeably to an act of the Legislature of Kentucky incorporating said Company. Witness our hands, this — day of —, 18—." The Commissioners shall give notice of the time and place of opening the books for the subscription of stock, by written advertisement posted up at Campbellsville, and such other public places in the county as deemed advisable. The books may be continued open until the amount of capital stock be subscribed.

Obligation of subscribers.

Com'rs to give notice of opening of books, &c.

Gate to be erected when 5 miles are finished. SEC. 4. Whenever five continuous miles of said road shall be completed, the Company may erect a toll gate and charge toll; such gate not to be erected nearer than one mile of the town of Campbellsville.

When company is organized, its rights, privileges and corporate powers. SEC. 5. That so soon as said Company is organized, by the election of officers, the President and Directors shall possess rights and privileges and shall and may do all acts and things necessary for laying out, causing a survey of the most practicable route for said road, and for carrying on and completing the same; and may have and enjoy all the rights and privileges and be subject to all the duties, qualifications, and restrictions, as are given and granted to the Lebanon, New Market, and Springfield Turnpike Road Company, approved February 18, 1848, (except so far as they may be local in their application, or conflict with this charter.)

Approved March 4, 1850.

1850.

CHAPTER 348.

AN ACT for the benefit of James A. Hunter and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Harriet H. Hunter, of Woodford county, be and she is hereby relieved from the disabilities of minority, so far as to enable her, in connection with her husband, James A. Hunter, to make title to her undivided interest in a small tract of land in Woodford county, which interest amounts to about eight acres, and the deed, when so made by her and her said husband, shall be as valid and binding as if she was of full age.

Approved March 4, 1850.

CHAPTER 349.

AN ACT for the benefit of the heirs of Isaiah Hartfield, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the guardian of the infant heirs of Isaiah Hartfield, deceased, late of Marshall county, to invest the money, or any part thereof, belonging to said heirs now in his hands, or that may hereafter come into his hands as such guardian, in lands in said county, adjoining the land now owned by said heirs: *Provided*, that before closing any contract of purchase as aforesaid, the County Court of said county shall consent and agree to the terms of said contract; which consent, together with the terms of the contract of purchase, so made as aforesaid, shall be entered of record in open court.

Approved March 4, 1850.

CHAPTER 350.

AN ACT to amend the charter of the Burlington and Dry Creek Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fifth section of an act, entitled, an act to incorporate the Burlington and Dry Creek Turnpike Road Company, be so amended as to authorize the organization of said Company, so soon as twenty shares shall have been subscribed.

Stock reduced.

SEC. 2. That the sixteenth section of the act aforesaid be so amended as to authorize the opening of said road not to exceed forty, nor to be less than sixteen feet, and that the ascent in the road aforesaid be not of a greater elevation than six degrees.

Road may be 40 feet wide.

SEC. 3. That the twenty third section of the act aforesaid be so amended as to authorize the commencement of the work on or before the first day of October next, and to be completed within five years thereafter.

When work to be commenced.

Approved March 4, 1850.

1850.

CHAPTER 351.

AN ACT to amend the charter of the Owingsville and Sharpsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Owingsville and Sharpsburg Turnpike Road Company be so amended as to allow the Directory of said road, in locating the same, so to run said road as to intersect the Maysville and Mountsterling Turnpike Road at Sharpsburg, Dr. West's, or any intermediate point, as may be found, under all the circumstances, most practicable.

Approved March 4, 1850.

CHAPTER 352.

AN ACT for the benefit of the Fourth Street Baptist Church, and Masonic Lodge of Louisville.

Whereas, the Baptist Society of Christians, and Fraternity of Masons, in Louisville, on the 29th July, 1824, purchased from W. C. Galt a lot on the southwest corner of Green and Fifth streets, and had the same conveyed to Isaac Stewart and Cornelius Van Buskirk, in trust, for the sole purpose of erecting a three story brick building, the two lower stories thereof to be appropriated for the sole use of said Society of Baptists as a house of worship, and the third story for the sole use of the Masonic Fraternity as a hall, and said building was erected and has been used, for the purposes aforesaid, in accordance with the trust; and, whereas, said Baptist Society has contracted with and sold to said Masonic Fraternity their interest in said lot and building, and the said Masonic Fraternity, through their Board of Finance, consisting of Henry Hudson, Willis Stewart, S. K. Grant, Sanders Shanks, Charles Tilden, and James McBurnie, having, on the 2d day of November, 1849, entered into a written contract with said Isaac Stewart and Cornelius Van Buskirk, as trustees for said church, for the payment of the purchase money and conveyance of title to said property. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the terms of the sale and agreement between said Baptist church, worshipping in said house, so held in trust by said Stewart and Van Buskirk, as trustees, of the first part, and the Masonic Fraternity, by their committee of Finance, as set forth in said written agreement aforesaid, be and the same is hereby confirmed; and when said Masonic Fraternity shall have paid, in full, the purchase money, and complied with all the conditions and obligations contained in said written contract, then the said Isaac Stewart and Cornelius Van Buskirk, or such other persons as may be appointed by the Baptist Society who

now worship in said house, shall and they are hereby authorized and empowered to convey to said Masonic Fraternity all the right, title, interest, and claim, which said Baptist church have in and to said lot of ground and house of worship, with their appurtenances; and the same, when ratified and recorded, shall be a legal conveyance to all intents and purposes.

1850.

Approved March 4, 1850.

CHAPTER 353.

AN ACT to authorize the Trustees of Glasgow to establish the corners of said town, and for other purposes.

Whereas, doubts have arisen as to the true position of one or more of the corners of the town of Glasgow, and it being desirable and important to the citizens thereof that the same may be settled. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Trustees of Glasgow to meet, at such times and places as they may deem proper, for the purpose of fixing the locality and position of any and all of the corners of said town which may be doubtful and uncertain. They are hereby authorized to hear such testimony and make, or cause to be made, such surveys as may be proper and useful in determining the position of said corners: *Provided*, that, before proceeding to discharge the duties hereby authorized, they shall cause public advertisement to be made in said town, by at least two insertions in the newspaper published therein, of the time and place of their meeting, and of the purpose thereof.

Trustees may fix corners and cause surveys to be made.

SEC. 2. That when said Trustees have established the corners of said town, as hereby authorized, they shall make out a full and specific description thereof, and cause the same to be recorded in the Barren County Court Clerk's office.

When corners are established, record to be made.

SEC. 3. That it shall be lawful for any person or persons aggrieved by the fixation of said corners by the Trustees, at any time within one year thereafter, to give said Trustees notice, in writing, that he will contest the same before the Judge of the Barren Circuit Court; which notice being duly served at least ten days prior to said Court, it shall be lawful for the Judge thereof to hear and determine all controversy between the parties touching the same, according to existing laws for the trial of civil causes in the Circuit Courts of this State.

Persons aggrieved may give notice and contest the acts of the Trustees.

Whereas, on the 1st of August last an election was held for Trustees in the town of Irvine, Kentucky, under and by virtue of an act, entitled, an act to incorporate the town of Irvine, in the county of Estill, and for other pur-

1850.

poses, approved February 24th, 1849, at which time five persons were elected and qualified as Trustees of said town, and doubts are now entertained as to the legality of said election, because no specified mode of holding and conducting the same was pointed out in said act; but it appearing that said election was fair, in all respects, and that all the qualified voters of said town were permitted to cast their votes thereat, and the same being entirely satisfactory to the people of said town—

Trustees' elec-
tion legalized,
&c.

SEC. 4. *Be it further enacted*, That said election, so held as in the preamble specified, be and the same is hereby legalized, and all and singular the acts of the Trustees, elected and qualified as aforesaid, are also hereby legalized, as fully and completely as though the mode of holding and conducting said election had been designated in said act of corporation.

Acts of Clerk,
Assessor, and
other officers,
legalized.

SEC. 5. *Be it further enacted*, That all the acts and proceedings of the Clerk, Assessor, and other officers of the said Board of Trustees, be, in like manner, legalized, and they may, each of them, proceed in the discharge of their duties, as such, from henceforth, as though all the provisions of the 11th section of said act of incorporation had been complied with.

Town bounda-
ries established.

SEC. 6. *Be it further enacted*, That the boundary, as defined in the first section of said act, as well as in the act there recited, and in other acts defining the same, be and the same is hereby established as the true boundary of said town, without any of the conditions, express or implied, in the act recited in the first section of said act of incorporation.

Fines, how
appropriated.

SEC. 7. *Be it further enacted*, That all fines collected for a breach of the laws and ordinances of said town shall be appropriated to the improvement thereof by said Board of Trustees, and it shall be the duty of the Clerk of said Board, from time to time, to make out, and keep posted up in said town, a list or table of said fines.

Trustees may
tax Auctioneers,
Pedlars, &c.

SEC. 8. *Be it further enacted*, That the Trustees of said town may levy a tax, not exceeding five dollars per day, on all auctioneers and transient vendors or pedlars of goods, wares, or merchandize, who shall sell the same publicly or privately within the limits of said town, which said sum shall be paid, by the person or persons desiring to exercise such privilege, to the Clerk or any member of the said Board, and obtain from him a written license or permit for such purpose: *Provided, however*, that nothing herein contained shall be so construed as to prohibit such auctioneering or selling as is specified in the sixteenth section of the above recited act of incorporation.

Election of
Trustees, how,
by whom, and
when to be held.

SEC. 9. *Be it further enacted*, That all elections of Trustees, provided for in said act of incorporation, shall be held hereafter by the Clerk, under the superintendence of one

member of the said Board, to be appointed at the last meeting thereof preceding said first Saturday in August; and whenever a vacancy shall occur, the same shall be supplied by an election, to be held in the same manner, at such time as the Board shall direct.

1850.

Approved March 4, 1850.

CHAPTER 355.

AN ACT for the benefit of Adelia and William H. Pullen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Adelia Pullen, wife of Wm. H. Pullen, of Oldham county, late Adelia Roaney, daughter of Joseph Roaney, deceased, be and she is hereby make capable, in law, to unite with her said husband in selling and conveying a certain tract of land lying in Oldham county, being the same land that she inherited from the estate of her father. Said conveyance shall be as good and binding, in law and equity, as the same could or would be if the said Adelia were over the age of twenty one years.

Approved March 4, 1850.

CHAPTER 356.

AN ACT for the benefit of Marcus A. Peters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the venue of the suit now pending in the Franklin Circuit Court, wherein Cornelius S. Smith, and others, assignees of Louis Vimont, are plaintiffs, and Marcus A. Peters is defendant, shall be changed to the county of Bath, and the Clerk of the Franklin Circuit Court is directed to prepare a transcript of the proceedings in said case, under the rules and regulations prescribed by existing laws, and forward the same to the Clerk of the Bath Circuit Court: *Provided,* that nothing in this act shall prevent the plaintiff from obtaining a change of venue upon good cause shown.

Approved March 4, 1850.

CHAPTER 357.

AN ACT for the benefit of the Grand Lodge of the Independent Order of Odd Fellows of the State of Kentucky.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act incorporating the Grand Lodge of the Independent Order of Odd Fellows of the State of Kentucky, approved February 16, 1836, be so amended as to enable said Grand Lodge, with the consent of the holders of her bonds for loans authorized thereby, to

Grand Lodge may convert bonds into stock in property, &c.

1850.

Subordinate
Lodges may re-
ceive certificates
of stock.

Managers may
open book to in-
crease stock.

Shareholders
to elect mana-
gers.

Grand Lodge
not to reduce
her stock.

Managers to
be members G.
Lodge & share-
holders.

Lots not to be
sold but by con-
sent of Grand
Lodge.

Grand Lodge
& Subordinates
may establish
Orphan Asy-
lums, &c.

convert said loans into stock, in the property she now holds, or may hereafter purchase, in shares of not less than twenty five dollars each. Any subordinate Lodge, under the jurisdiction of said Grand Lodge, may receive certificates of stock in said property, in her Lodge name, in lieu of any bond or bonds she may now hold against said Grand Lodge, for loans made to said Grand Lodge; and said Grand Lodge may cause her Board of Managers to open books and receive subscriptions for stock from subordinate Lodges, and individuals, not exceeding the sum of forty thousand dollars, to carry into effect the purpose contemplated by the second section of the act to which this is an amendment; and the profits of said stock shall be, semi-annually, divided among the shareholders. The shareholders shall elect the Board of Managers, and each share shall be entitled to give one vote up to five shares, and every five shares more shall be entitled to give one vote. The Board of Managers shall continue in office for one year, and until their successors shall be elected and qualified. Said Grand Lodge shall never reduce her own stock in said property below one fifth of the stock therein. The Grand Lodge shall have power, for good cause, to remove the Board of Managers, or any one of them, and order a new election. Managers hereafter elected shall not only be members of the Grand Lodge, but shall be holders of at least four shares of stock, or members of a stockholding subordinate Lodge to the number of ten shares. No sale of the lot or lots for the erection of any building or buildings for the uses of said Grand Lodge shall be made without the consent of said Grand Lodge, nor shall any material repairs or alterations in the buildings or grounds be made without the consent of a majority of the Board of Managers. All votes of Lodges shall be cast by authorized proxies, under the seal of the Lodge, and in person or by proxy of the individual shareholder.

Sec. 2. That said Grand Lodge, together with such of the subordinate Lodges of the Independent Order of Odd Fellows of the State of Kentucky as shall see proper to associate themselves together, or said Grand Lodge in her separate Lodge capacity, or any one or more of the subordinate Lodges of said Order in her separate or in their joint Lodge capacities, shall have power and right to purchase and hold such necessary and suitable real and personal estate, within this State, to erect and conduct an Orphan Asylum, or Asylums; which, when so established, shall be under the supervision, control, and management of the Lodge or Lodges erecting the same; and they shall have power to pass all by-laws, rules, and regulations, necessary for the government of said Asylum or Asylums: *Provided*, the same be not contrary to the Constitution of this State, or the United States.

Approved March 4, 1850

CHAPTER 358.

1850.

AN ACT to amend the charter of the Town of Stampingground, in Scott county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the free white male citizens of said town, who are entitled to vote for Representatives to the General Assembly of Kentucky, to meet at the house of Legrand Lucas, in said town, on the first Saturday in March next, and elect five Trustees for said town, who shall hold their office until the first Saturday in April, 1851, and until their successors shall be elected and qualified. The annual election for Trustees of said town, shall, after the year 1850, be held on the first Saturday in April in each year, instead of the first Saturday in March, at such house in said town as may be designated by the Trustees: *Provided*, that notice of each election shall be given, as is now required by law.

Trustees to be elected.

SEC. 2. That the Trustees shall have power to fill all vacancies that may occur in the Board of Trustees during the term for which they were elected.

Vacancies to be filled.

SEC. 3. That should the Clerk neglect or refuse to give notice of the annual election of Trustees, as is now required by law, it shall be lawful for any member of the Board of Trustees to cause such notice to be given, for an election to be held, at such time during the month of April or May as shall be fixed by a majority of the Board of Trustees.

Notice of annual elections to be given.

SEC. 4. That the Trustees of said town, upon being petitioned by a majority of the owners of real estate within the limits of said town, shall have full power to open such additional streets and alleys as may be named in said petition or petitions: *Provided*, that every such petition, together with the names thereto subscribed, shall be recorded in the record book of the Clerk of said town, after the same shall have been laid before the Board of Trustees at a regular meeting thereof: *And, provided also*, that the owner or owners of the land over which such streets or alleys are to pass shall, also, have subscribed such petition.

Trustees may open streets, &c.

SEC. 5. That the third, fourth, and fifth sections of an act, entitled, an act to incorporate the town of Lower Cloverport, in Breckinridge county, approved January 16, 1847, so far as the same is not local to the town of Lower Cloverport, shall apply to the town of Stampingground, in Scott county.

General provisions, &c.

Approved March 4, 1850.

CHAPTER 359.

AN ACT for the benefit of James Muchleroy.

Whereas, on the 29th of December, 1826, a patent issued to James Muchleroy for two hundred acres of land in War-

1850.

ren county, on the waters of John's creek, and bounded as follows : beginning at a White Oak below the improvement ; thence up the branch south 140 poles to a Cherry and four Dogwoods, near Elizabeth Span's corner ; thence west, with Payne's line, 174 poles, to two White Oaks ; thence north 5 degrees east, 230 poles, to Molton Maulding's corner, a Hickory ; thence south 65 degrees west, 220 poles, to the beginning ; and, whereas, by a mistake in one or more of the calls of said patent, it does not include the land intended thereby to be patented, but that said land is included by the following boundaries, viz : beginning at a Poplar, at the place where stood the White Oak mentioned as the beginning corner of said tract ; thence south, 150 poles, to a Cherry and Dogwood ; thence east, with Payne's line, 180 poles, to two White Oaks ; thence north 5 degrees east, 225 poles, to a Hickory to Molton Maulding's corner ; thence south 68 degrees west, 217 poles, to the beginning. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be and he is hereby authorized and required to issue another patent to the said James Muchleroy, his heirs or assigns, for the land described in the boundaries last above noted : *Provided*, that the patent to be granted, pursuant to the provisions of this act, shall not be held superior to any patent, for any land, previously issued, embracing the lands included therein.

Approved March 4, 1850.

CHAPTER 360.

AN ACT to amend the charter of Prestonsburg, and for other purposes.

Prestonsburg
charter amend-
ed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Trustees of Prestonsburg, hereafter to be elected, to prohibit the sale of spirituous liquors by the retail in the town of Prestonsburg, and within one mile of the same. And for any violation of the ordinance made by the Trustees, in pursuance of this act, the offender shall be subjected to a fine of not more than twenty dollars, (in addition to the penalties now prescribed by law,) which may be sued for and recovered, by warrant, before any Justice of the Peace, in the name of the Trustees of Prestonsburg, and applied to the improvement of said town.

Dycusburg
charter amend-
ed.

SEC. 2. *Be it further enacted*, That, hereafter, whenever any person shall apply to the Trustees of the town of Dycusburg, in Crittenden county, for license to keep a Coffee House in said town, it shall be the duty of the Chairman of said Trustees to hold an election, after having given five days' public notice of the time and place of holding said election, for the purpose of taking the sense of the qualified

voters of said town, in relation to the matter; and if a majority of two thirds of the qualified voters of said town shall vote in favor of such license being granted, it shall be the duty of the trustees of said town to license such applicant to keep a Coffee House in said town, for the term of one year, upon his paying into the Treasury of said town such sum as said trustees shall direct: *Provided*, the same shall not be less than twenty nor more than fifty dollars, and to the Clerk of the County Court of Crittenden county the further sum of ten dollars, agreeably to the provisions of an act, entitled, "an act requiring Coffee House keepers, and other licensed retailers of spirituous liquors, to pay a tax to the State for their license," approved February 28, 1849.

1850.

Approved March 4, 1850.

CHAPTER 361.

AN ACT for the benefit of Achilles J. Gatewood.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the venue of the prosecution now pending against Achilles J. Gatewood, in the Barren Circuit Court, for felony, be changed to the Hart Circuit Court, pursuant to the provisions of an act, entitled, an act prescribing the mode for a change of venue in criminal cases, approved February 23, 1846.

Approved March 4, 1850.

CHAPTER 362.

AN ACT to incorporate the Jefferson Male Academy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there be and is hereby established in the town of Elkton, in Todd county, a Collegiate Institute for the instruction of youth in the various branches of science and literature, agriculture, the ancient and modern languages.

Institute incorporated.

SEC. 2. That said institution shall be known by the name of the Jefferson Male Academy.

SEC. 3. That William Dickey and William Horner shall be constituted a body politic and corporate, to be known by the name and style of the Superintendents of the Jefferson Male Academy, and by that name shall have perpetual succession, and a common seal, with power to change the same at pleasure.

Superintendents.

SEC. 4. That said superintendents, or their successors, shall have power to enact such rules and by-laws for the government of said institution as they may deem expedient, not incompatible with the laws of this State; and shall

By-laws may be made.

1850. have power to confer all the honors usual in such institutions.

Sec. 5. That the owner or owners of said Academy, and property belonging to it, shall have power to lease, rent, or sell the same, for any purpose that they may deem proper, and in case of the death or removal of either one of the superintendents, the other shall have power to select his successor, or conduct the institution alone, according to the charter.

Owners of the Academy may lease or sell property.

Approved March 4, 1850.

CHAPTER 363.

AN ACT to incorporate the Hancock Pond Draining Company, and amend the charter of the Jefferson Pond Draining Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert Beauchamp, William B. Maxey, James B. Redd, John Porter, John A. Barr, George R. Ghiselin, James Mason, William L. Lewis, Jacob Willan, Thomas P. Willan, and Jonathan Sawyer, and all of the persons owing lands in that part of Hancock county included in the following boundary, to-wit: Beginning on the Ohio river where the lands of David Adams and William Adams join, to include the former; thence with their line to Lead creek; thence up Lead creek, with its meanders, to the foot of the hills at the mouth of Robert Beauchamp's spring branch; thence with the hill, at its base, to James Mason's spring branch; thence down said branch, and with its waters, to the Ohio river; thence up the river, with its meanders, to the beginning—supposed to contain about four thousand acres—shall be and they are hereby created a body politic and corporate, by the name and style of the Hancock Pond Draining Company, and they and their successors shall have perpetual succession, and full power and authority to drain, and keep drained, all the ponds and marshes in said boundary, at the costs and charges of the owners and proprietors of the lands contained therein; and to make all necessary contracts; to sue and be sued, to plead and be impleaded, in all courts; and to keep a record of their proceedings; to appoint all necessary officers and agents for the purpose of carrying into effect the provisions of this act, who shall be under the control of said company; and to make such by-laws for the government of the corporation and regulations for the management of its prudential concerns, as they may deem expedient, not contrary to the laws of this State, or of the United States; and to have a common seal, and to change the same at pleasure; and generally, to do all acts and things that a corporation for limited purposes may lawfully do.

Corporators' names, and corporate powers.

Name & style.

Sec. 2. That on the first Saturday in May, 1850, the

Sheriff of Hancock county, or his deputy, together with two Justices of the Peace of Hancock county, after selecting a Clerk, shall, at the Court House in the town of Hawesville, cause a poll to be opened for the purpose of electing a President and four Directors, at which election all persons owning lands within the said boundary shall be entitled to vote, and infants, *femes covert*, and persons owning lands, as aforesaid, not residing in said county, shall be entitled to vote by and through their guardians, husbands, and duly authorized agents or proxies, in this as well as all other elections held by or for said corporation. And the Sheriff shall post, or caused to be posted up, notices of said election, at the Court House door in the town of Hawesville, and at least three public places within the said boundary, for at least ten days before said election. The President and Directors of said corporation shall hold their offices for one year, or until their successors shall be elected, with power to fill vacancies during their term, and have such other powers as the by-laws of said corporation and this act shall confer; and on the first Saturday in May thereafter in every year, the like election shall be held; and all such elections shall be conducted under the same rules and regulations as is now provided by law in cases of elections for members of the General Assembly, with the exceptions herein named; and the Sheriff shall give to the persons elected a certificate thereof, and file the poll book with the Clerk of the Hancock County Court.

1850.
President and Directors to be elected, &c.

President and Directors, their term of office, &c.

SEC. 3. That for the year 1850, and each year thereafter, there shall be collected on each acre of land, within the above boundary, a tax not to exceed twenty cents, which shall be fixed by the President and Directors; and to that end they shall cause an assessment to be made of each acre of land within said boundary, with the name of the owner, and list the same for collection with the Sheriff of Hancock county, who shall collect and pay over the same to the order of said President and Directors, or a majority of them, at the same time that he is bound to pay over the revenue tax; and he shall have the same power to levy and collect the same that he has to levy and collect the revenue tax, and shall receive the same compensation; and he and his securities shall be liable to the same penalties, in the same manner, on motion of the President and Directors, in the Hancock Circuit Court, under the same forms as for money collected and withheld on executions, for all such sums of money withheld by him as collector aforesaid.

Taxes to be levied by President and Directors, and collected.

Sheriff to collect & pay over tax, &c.

SEC. 4. That the said President and Directors shall employ a competent engineer, and cause him to take the necessary and proper levels, and make a plan for the draining all such ponds and marshes, within said boundary, as they may direct, and make an estimate of the costs of each

President and Directors to employ engineers, his powers, duties, &c.

1850.

separately, and make an estimate of the quantity of land which will be reclaimed on each tract, and perform all other duties that the said President and Directors, or the by-laws of the corporation, shall require of him; and make prompt report to the said President and Directors at such times as they may direct.

Assessors to
be elected, their
duties, &c.

SEC. 5. That at the same time and place that the company elect their President and Directors, they shall also elect three Assessors, (not resident or owning lands in said boundary, but citizens of Hancock county,) whose duty it shall be, when called upon by the said President and Directors, to make an assessment of the increased value, when drained, of any lands which may have been drained, or contracted to be drained, over and above its value in its natural state, and make a report thereof to the President and Directors; and the President and Directors shall have power and authority to levy, on all such lands, not more than one half the amount of additional value which said Assessors, or a majority of them, are of opinion that such lands have acquired, or will acquire, by draining; which, if not paid to the Treasurer of the Company within three months thereafter, may be listed, collected, and accounted for, as provided for in section third of this act, as to the tax there authorized to be collected; and to be recovered in the same manner, from the collector and his securities, and in the same court, with like damages; and the said Sheriff shall be allowed the same Commission thereon that he is now allowed for collecting money on executions. And the money, so collected, shall be expened in making the drains or improvements; but if that is done with the other funds, the amount may be applied to the draining of other lands: *Provided*, if any person shall feel himself aggrieved by the assessment authorized by this section, he shall have a right to appeal, under the same regulations as from a judgment before a Justice of the Peace; and if the assessment is not reduced, upon the appeal, the President and Directors shall recover their costs on the appeal; and all suits, by or against said Company, shall be in the name of, or against, "The President and Directors of the Hancock Pond Draining Company," by name.

Person ag-
grieved may ap-
peal, &c.

May acquire
right of way.

Right of way,
&c., how con-
demned, &c.

SEC. 6. The said President and Directors shall have the right to acquire, by deed of gift, purchase, or otherwise, a right of way for all necessary sites for said drains; and in case the parties cannot agree, they may apply to the County Court of Hancock county, and have the right of way condemned, as public roads are condemned in this Commonwealth, except that a certified copy of the Engineer's report, of a drain, shall be in place of the report of Commissioners under the road law, and be considered in favor of the drains, and may be acted on as soon as the parties shall be notified; and the Court shall have the same pow-

er to condemn the right of way, and establish the drain, that it has to establish a road; and when any person or persons shall have paid any money under the provisions of this act, and shall thereafter lose the land by virtue of other claims, he or they shall have a lien on the same for the amount they have paid, with interest.

1850.

SEC. 7. That in case any person, owning lands within the said boundary, shall refuse to pay the taxes levied under section third of this act, or other moneys assessed upon their lands under section fifth hereof, and there is no personal property in said county subject to levy, the Sheriff may levy upon and sell the lands of such person, or so much thereof as may be necessary, to the highest bidder, to satisfy the said taxes or assessments and costs of sale, after advertising the same as in cases of executions; and the owners shall have the right to redeem the lands, so sold, at any time within twelve months thereafter, by paying to the purchaser the amount of the sale, with interest, at the rate of ten per centum per annum; and if not redeemed within the time, so allowed, the sale shall be final, and the Sheriff shall make a conveyance to the purchaser, which shall convey all the right, title, and interest, of the person so failing to redeem said lands.

Sheriff may levy and sell land or other property, to pay tax, &c.

SEC. 8. That in order that a perfect equality in voting shall be secured, all persons owning lands in said boundary shall be entitled to one vote for one hundred acres, or less; and one additional vote for every additional one hundred acres of land he owns in said boundary up to five hundred acres; and one additional vote for every additional five hundred acres he owns over and above the first five hundred acres; but no person shall be allowed to vote, in any such election, or be eligible to office, unless they shall have paid all taxes due the Company up to the end of the year previous to said election, and are entirely free from indebtedness to the Company on account of assessments under section fifth hereof, up to said time; and all taxes shall be, for the year commencing on the first day of January and ending on the thirty first day of December following, collectable in that year.

Ratio of votes on land, and Drained District.

SEC. 9. That when any land is in dispute, and claimed by two or more persons, living within or without said boundary, the individual or individuals paying the taxes on the same shall have the right to vote, in proportion to the land upon which he or they so pay the tax, as hereinbefore directed.

Person paying tax on land in dispute, to vote, &c.

SEC. 10. That the County Court of Hancock county shall, annually, at their February or March term, after the year 1850, appoint a commissioner to settle the accounts of the said company; and it shall be the duty of the President and Directors, on the application of said commissioner, to present to him their accounts, clearly and succinctly setting

County Court to appoint Commissioner to settle accounts of company.

1850.

forth the amount of money received by them, and by and to whom and at what time paid out, and for what it was paid, together with a full report of the transactions and works of the company during the year, and the said commissioner shall adjust and balance said accounts, and make a full report of his proceedings to the said County Court, who shall note said report on their order book, and file the papers in their Clerk's office for public inspection, and shall make an allowance to said commissioner for his services, to be paid by the said President and Directors out of the funds of the company.

President and Directors to make returns of drains, cuts, &c.

SEC. 11. That the President and Directors, after cutting any drain, or drains, shall make return of every such drain, or drains, to the County Court of Hancock county, who are required to appoint overseers thereof, with an allotment of hands to keep the same open, in the same manner that they appoint overseers of public roads, and allot hands to work the same; and the said overseer shall be subject to the same penalties for not keeping said drains in repair, that overseers of public roads are, upon presentment of the grand jury; and when said company shall have drained all the ponds and marshes in said boundary, and placed the same under the management of the County Court of Hancock county, their corporate powers shall cease and determine.

Jefferson Pond Draining Company may appoint Commissioner to collect taxes, &c.

SEC. 12. *Be it further enacted*, That the President and Managers of the Jefferson Pond Draining Company be authorized to appoint a commissioner to collect the tax levied and collected under the law authorizing the same, and such commissioner shall be allowed therefor the same compensation as now allowed to the Sheriff of said county for said services; and said commissioner shall, likewise, have the same powers to levy for and collect said tax as the Sheriff of said county now has.

Approved March 4, 1850.

CHAPTER 364.

AN ACT to incorporate the Greensburg and Campbellsville Turnpike Road Company.

Corporate name & style.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the Greensburg and Campbellsville Turnpike Road Company, for the purpose of forming an artificial road with plank, stone, or gravel, from Greensburg to Campbellsville, by the nearest and most practicable route.

Capital stock.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. That books for the subscription of stock in said

company shall be opened at such times and places as may be agreed upon by the Commissioners herein appointed, viz: at Greensburg, J. M. V. Shreve, Josiah Brummal, Samuel W. Robinson, Felix T. Murray, Ambrose Ford, and Joseph W. Williams; at Campbellsville, W. N. Marshall, A. F. Gowdy, Ariel Hawkins, James A. Shuttlesworth, or a majority of them. The said commissioners shall procure one or more books, and the subscribers to the stock shall sign the following obligation, therein: "We, whose names are hereto subscribed, do promise to pay to the President, Directors and Company of the Greensburg and Campbellsville Turnpike Road Company, the sum of fifty dollars for each share of stock in said Company set opposite our respective names, in such manner and proportions, and at such times, as may be required by the President and Directors of said Company, and agreeably to an act of the General Assembly of Kentucky incorporating said Company. Witness our hands, this day of 18 " The commissioners shall give notice of the time and place of opening books for the subscription of stock, by written advertisement, posted at Greensburg and Campbellsville, and such other public places in Green and Taylor counties as deemed advisable. The books may continue open until the amount of capital stock shall be subscribed.

1850.
Books to be
opened.

SEC. 4. Whenever five continuous miles of said road shall be completed, the company may erect a toll gate and charge toll—neither gate to be nearer than one mile of Greensburg and one mile of Campbellsville.

May erect
gates, &c.

SEC. 5. That so soon as said Company is organized, by the election of officers, the President and Directors shall possess all the powers, rights, and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of the most practical route for said road, and for carrying on and completing the same; and may have and enjoy all the rights and privileges, and be subject to all the duties qualifications, and restrictions, as are given and granted to the Lebanon, New Market, and Springfield Turnpike Road Company, by an act approved February 18, 1848, (except as herein provided,) and all the provisions of said act (except so far as they may be local in their application or conflict with this charter,) are hereby enacted as part of this act.

President and
Directors, their
corporate pow-
ers.

Approved March 4, 1850.

CHAPTER 365.

AN ACT to incorporate the Foster, Falmouth, and Cynthiana Turnpike Road Company, and for the benefit of the Paris and North Middletown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be formed

Corporate
name & style.

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under the name, style, and title, of the Foster, Falmouth, and Cynthiana Turnpike Road Company, for the purpose of forming an artificial road.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be one hundred thousand dollars, to be divided into shares of twenty five dollars each.

Books to be opened.

SEC. 3. *Be it further enacted*, That books for the subscription of stock in said Company shall be opened on the first Monday in June next, or as soon thereafter as convenient, in the town of Foster, Cynthiana, and Falmouth, and under the direction of Dr. W. Buskitt and Joel H. Kirtley, of Bracken county; and Samuel F. Swope and Ralph Tomlinson, of Pendleton county; Robert Heavlin and Andrew Garnett, of Harrison county, who are hereby appointed Commissioners. The said Commissioners, for each county, shall procure a book or books, and the subscribers taking stock of said Company, shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, promise to pay to the President, Directors and Company of the Foster, Falmouth, and Cynthiana Turnpike Road Company, the sum of twenty five dollars for every share of stock in said Company, and agreeably to an act of the General Assembly of Kentucky incorporating said Company, witness our hands this — day of —, eighteen hundred and fifty." The said Commissioners, or any one of them, shall give notice by written advertisement posted up at two or more public places in the counties of Bracken, Harrison, and Pendleton, severally, of the time and places of opening the books for the subscription of stock in said Company; and they will continue open until the amount of capital stock, or a sufficient amount thereof, for the construction of the road, shall be subscribed.

Com'rs to give notice of opening books, &c.

Com'rs to call meeting stock-holders.

SEC. 4. *Be it further enacted*, That so soon as twenty thousand dollars shall be subscribed, the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, (two of whom shall be from each county,) who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace, that he or they will faithfully perform the duties of President and Directors, (as the case may be,) without partiality or prejudice, according to the best of their judgment. That upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their offices for one year, and until others shall be appointed. The Treasurer of said Company shall, before he enters on the duties of his office, give bond, with

Treasurer, his duties.

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two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said Company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors; and that he will perform the duties required of him by the by-laws of said Company.

SEC. 5. That so soon as said Company shall be organized, the President, Directors, and other officers, shall possess all the powers, authority, rights, and privileges pertaining to other Turnpike Road Companies; may sue and be sued, plead and be impleaded, in all the counties of this State; and may have and use a common seal, and alter or destroy the same at pleasure; and shall and may do all acts and things necessary for constructing, carrying on, and completing said road, as well as laying out and locating the same; and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, (if any,) and shall be entitled to like tolls and profits as are given and granted to the Carrolton and Eagle Creek Turnpike Road Company by its charter; and that the provisions of the charter of the Carrolton and Eagle Creek Turnpike Road Company are hereby enacted as part hereof, except so far as provided in the preceding part of this act, or may conflict with the same.

Corporate
powers & privi-
leges

SEC. 6. That the several Clerks and Sheriffs of elections for the several precincts in the county of Pendleton shall, at the next August election, open a poll for taking the sense of the people thereof, as to the propriety of subscribing, to the building of said road, the sum of ten thousand dollars; and the several Sheriffs of said county shall ask each voter "whether he is willing to submit to a tax, upon the *ad valorem* system, to raise the said amount named in his county within three years;" and if said voter shall answer in the affirmative, his vote shall be so recorded; and if he answer in the negative, his vote shall be so recorded; and if a majority of all those voting shall vote in favor of the tax, then the County Court of said county shall proceed to levy said tax upon the principle aforesaid, each year thereafter, until the whole sum shall be raised; and the amount paid by each individual, as tax aforesaid, shall be so much stock for him, his heirs, or assigns, in said road; and it shall be the duty of the several Sheriffs, as aforesaid, to report to the County Court for said county, at its term in September next, the result of the vote before provided for.

Vote of Pen-
dleton county to
be taken on sub-
scribing stock.

SEC. 7. *Be it further enacted*, That the Paris and North Middletown Turnpike Road Company may borrow any sum of money not exceeding three thousand dollars, and to secure the payment of the same, when borrowed, it may

May borrow
money, &c.

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Owners of
stock exempt
from tolls going
to mills.

mortgage, by deed in writing, the tolls on said road, reserving enough thereof to keep the road in repair.

SEC. 8. That any original subscriber of stock in said road, and each and every member of his or her family, so long as he or she shall be the owner and holder of such stock, shall be exempt from tolls in going to and from mills, in going to and from elections and funerals.

SEC. 9. That for each share of stock owned and held by an original subscriber of stock in said road, the owner thereof shall have one hand exempt from working on the public roads.

Approved March 4, 1850.

CHAPTER 366.

AN ACT to amend the charter of the Louisville and Frankfort Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act to amend the charter of the Louisville and Frankfort Railroad Company, approved 23d February, 1849, be so amended that it shall be lawful for the President and Directors of said company to sell the bonds, named in said act, on such terms of discount as they may deem to be the interest of the company, to expedite the speedy completion of the road.

Approved March 4, 1850.

CHAPTER 367.

AN ACT to amend the charter of the Sardis Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the 25th section of "an act to incorporate the Sardis Turnpike Company," approved March 1, 1848, be and the same is hereby so amended, as to authorize the President and Directors of said company to construct said road not less than forty feet wide; and so much of said section as requires said road to be opened not less than fifty feet wide, be and the same is hereby repealed.

SEC. 2. That said company may construct any part of said road of plank, if they, in their discretion, think proper.

Approved March 4, 1850.

CHAPTER 368.

AN ACT for the benefit of the village of Stampingground, in Scott county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Judge of the Scott Circuit

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Court, upon petition filed by Isaac Adams, James D. Black, and Andrew Calvert, sworn to by one or more of the petitioners, setting forth that a certain lot of land containing not quite one acre, situate and lying within the limits of the town or village of Stampingground, in Scott county, which was heretofore conveyed by said James D. Black and Hiram Threlkeld, to said Isaac Adams and Andrew Calvert and Notley Conn, to be held by them as trustees for educational purposes, for the use and benefit of the inhabitants of said village, that the same is not now needed and will probably never be needed for the purposes of the aforesaid trust, and that it is to the interest of the village and its inhabitants for the same to be sold, and the proceeds of sale to be invested in the purchase or renting of a suitable house and lot within the limits of said village, for educational purposes, if the allegations of the petition be sustained by oral testimony or otherwise, shall enter a decree directing a sale of said lot of land, upon such terms and conditions as shall, to him, seem most advisable, and for investing the proceeds of sale in the purchase or renting of a suitable house and lot for educational purposes, adjacent to said village, and in its improvement.

SEC. 2. That said court may appoint a commissioner or commissioners to carry its decree or decrees into effect, and to make a conveyance of title; and may make all such other orders and decrees as may be necessary to secure the objects of this act in its true intent and meaning.

Approved March 4, 1850.

CHAPTER 370.

AN ACT concerning the vacant lands in Whitley county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the order of the Whitley County Court, authorizing the Treasurer of said county to receive bonds in place of money for the sale of vacant lands in said county, be legalized; and the County Court shall have the same power to appropriate said bonds, or their proceeds, to road purposes, as they would the money if it had been paid; and the holders of any such bonds, by order of said court, shall have power to enforce payment by due course of law before any tribunal having jurisdiction of the same.

SEC. 2. That it shall not be lawful, hereafter, for the Register of the Land office to receive and register any plat and certificate of survey made by the Surveyor of Whitley county, upon county warrants, without the certificate of the Treasurer of said county accompanying the same, that the land has been paid for in money or labor, according to the order of said court.

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SEC. 3. That all laws, and parts of laws, appropriating the proceeds of the sales of the vacant lands of Whitley county to the Commissioners of Common Schools, for school purposes in said county, be and the same are hereby repealed.

Approved March 5, 1850.

CHAPTER 371.

AN ACT to amend the charter of the Licking Bridge Company.

Authorizes
subscribers to
surrender stock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it may be lawful for the persons or corporations, cities or towns, which have heretofore subscribed stock in said company, to surrender their stock subscriptions, in such manner as may be agreed upon, to any person or persons who may undertake to build the bridge authorized to be built by the Licking Bridge Company; also to surrender and transfer all property, and rights of property, and corporate powers, to such persons as may receive the same, the said persons becoming bound by all the restrictions, limitations, and penalties imposed by the laws creating said company, and entitled to all the benefits thereof, and becoming, in fact, the Licking Bridge Company.

Power under
new organiza-
tion.

SEC. 2. That said Licking Bridge Company, when newly organized as aforesaid, shall have full power and authority to change and alter the plan of the bridge heretofore adopted, and adopt any other plan for a bridge; but they shall so erect the same as not to obstruct navigation, as provided by the charter heretofore, and so elevate said bridge as not to obstruct the passage of boats in the habit of navigating said river when the same shall be thirty feet above the ordinary low water stage.

Privileges by
former act ex-
tended.

SEC. 3. That the privileges granted said company, by the act of the General Assembly, approved February 5, 1848, shall be extended to the period of thirty years from and after the first day of May, 1851, instead of the time fixed in said act: *Provided*, the building of said bridge shall be commenced by the first day of May, 1851, and the building thereof, so as to be safe for crossing passengers, wagons, and stock, be completed in two years from the time the same is begun.

Approved March 5, 1850.

CHAPTER 372.

AN ACT for the benefit of Josiah Baker, and wife

Whereas, it is represented that Thomas Turner, deceased, late of Madison county, in this State, by his last will

and testament, devised to trustees, for the use and benefit of his daughter, Sarah Ann Baker, certain land, slaves and personalty in said county, and, also, conveyed the same land, by deed, to the same trustees, for the use and benefit of said Sarah Ann Baker; her husband, Josiah Baker, and children, are desirous to remove to Missouri, or to some other home in Kentucky, and are anxious that the aforesaid property in this State, devised to them in said will, and conveyed by said deed, should be sold and vested in real estate in Missouri, or elsewhere in Kentucky; and that such a disposition of the property would not only be not inconsistent with the intention of the testator and grantor, but would evidently be for the advantage of those having an interest therein, and with the sanction and approbation of the trustee in said will and deed. Therefore,

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Madison Circuit Court, upon a bill filed for that purpose in the names of the said Josiah Baker, and his wife, to which the trustee in said will and deed shall be parties, to decree a sale of said land, slaves, and personalty, upon such credits as said court may deem most to the interest of the beneficiaries under said will and deed: *Provided*, that the court shall not decree such a sale unless it shall be of opinion, from affidavits of disinterested persons filed in the case, that it will conduce to the advantage of the said beneficiaries, and unless the trustees assent thereto.

SEC. 2. Said court shall have power to convey the title to the purchaser; and it shall be the duty of the court to appoint some competent person to invest the money, arising from the sales of said property, in good real estate in Missouri or Kentucky, under its direction and superintendence, having the title vested in a trustee or trustees, to be selected by the court, for the same uses and purposes, and under the same restrictions and conditions, that the property devised and deeded is now held under the will aforesaid: *Provided, also*, that in making selection of real estate in Missouri or Kentucky, for this purpose, the wishes of the beneficiaries under the will and deed shall be consulted and attended to, so far only however as it can be done without prejudice to the interest of the beneficiaries, or their children.

Approved March 5, 1850.

CHAPTER 373.

AN ACT to incorporate the town of Christiansburg, in Shelby county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Clerk of the Shelby County Court be directed to record the plan of the town of Chris-

Clerk County
Court to record
plan of town.

1850.	tiansburg, when presented to him by the Trustees of said town hereinafter appointed.
Name & style.	Sec. 2. That when said plan shall have been recorded, the boundary laid down therein shall be known by the name and style of the town of Christiansburg.
Trustees' names.	Sec. 3. That John G. Farmer, John T. Norwood, James Purdue, John Davis, and George W. Threlkill, are hereby appointed Trustees, who shall continue in office until the first Saturday in August, 1850, and until their successors are duly elected; and at the expiration of their term, it shall be lawful for the citizens of said town, under the superintendence of the Trustees, or a majority of them, whose duty it shall be to give ten days' notice of the time and place, to proceed to elect five Trustees for said town, who shall remain in office one year.
Elections how, and by whom conducted.	Sec. 4. That an election for Trustees shall be held on the first Saturday in August in every year, and when a vacancy may occur, from any cause, the Board of Trustees shall have power to fill the same until the next annual election for Trustees.
Elections when held.	Sec. 5. That every free white male person of the age of twenty-one years, being an actual resident of said town, or holding title to real estate therein, shall be entitled to vote for Trustees.
Voters.	Sec. 6. That the Trustees shall have power to make rules and enact such by-laws for the government of said town, as they may deem necessary: <i>Provided</i> , they are not contrary to the constitution and laws of this State. Said Trustees shall have power to inflict a fine, not exceeding five dollars, for every breach of their by-laws, to be sued for and recovered in their name before any Justice of the Peace in Shelby county, and to be applied by them to the use of the town.
By-laws may be made.	Sec. 7. That the Board of Trustees shall have power to levy a tax upon all shows and exhibitions in said town, or within one quarter of a mile of the limits thereof, in every direction, not exceeding ten dollars for every twenty-four hours such show or exhibition may remain or be kept open in said town or its limits.
May tax shows, &c.	Sec. 8. That the Board of Trustees may appoint a Clerk and Treasurer; and it shall be the duty of the Clerk to keep a fair record of all the proceedings of the Board, which shall be open for the inspection of any person desiring to see the same, and the Board may make a reasonable allowance to the Clerk for his services, out of any funds which may come into their hands under the provisions of this charter.
May appoint Clerk, Treasurer, &c., and their duties.	Sec. 9. That the Treasurer shall receive all moneys collected, and pay the same to the order of the Board; and he shall give bond and security for the faithful performance of
Treasurer's duty.	

the duties required of him. A majority of the Board shall constitute a quorum for the transaction of business.

1850.

SEC. 10. That this act shall be in force from its passage, and all acts or parts of acts conflicting with the same be repealed.

Approved March 5, 1850.

CHAPTER 374.

AN ACT authorizing the Shelby County Court to subscribe stock in a Turnpike Road in said county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Board of Internal Improvement for Shelby county, at such times and places as deemed proper, to open books for the subscription of additional stock, to any amount not exceeding twenty thousand dollars, for the purpose of constructing a Turnpike Road from Shelbyville to the county line in the direction of Bardstown, or so far on said route as the Board may succeed in obtaining sufficient stock to construct the road.

Board of Int. Imp. of Shelby county may open books for stock.

SEC. 2. The said Turnpike shall leave the present Turnpike at some point within two and a half miles west of Shelbyville, and be made along or near the present location of the Bardstown road.

Route of road.

SEC. 3. Said Board shall have full power to locate and construct, use and repair said road, in the same manner, and in all respects subject to the rules and regulations prescribed to them in the acts of incorporation under which the present road was constructed; and if any person, through whose land the proposed road shall run, should claim damages on account of the construction of said road, the same shall be ascertained and adjusted, in all respects, as such claims might be ascertained and adjusted by the terms of the original acts of incorporation.

Powers of Board in location of road, &c.

SEC. 4. It shall be lawful for said Board to erect a toll gate at or near the intersection of the new road with the old road; and so soon as they shall have completed the new road to a point five miles from the vicinity of Shelbyville, by the old and new road, it shall be lawful for said Board to collect, at said gate, the same tolls from persons traveling, driving, or hauling on the new road, as they are allowed, by law, to collect of those traveling, driving, or hauling on the old road.

Toll gate may be erected.

Rates of toll.

SEC. 5. The Shelby County Court shall have power, if by them deemed proper, to subscribe any sum not exceeding two thousand dollars additional stock under the provisions of this act: *Provided*, a majority of all the Justices in commission shall be present. The additional stock subscribed under the provisions of this act may be transferable, in the same manner, as the present stock in said Board may be,

Shelby County Court may subscribe stock.

1850.

Capital of
Christiansburg
road, how divi-
ded.

and the holders thereof shall be entitled to the same dividends of all profits declared after said road shall be completed.

SEC. 6. *Be it further enacted*, That the capital stock of the Christiansburg Turnpike Road Company be divided into shares of fifty dollars each, instead of one hundred dollars, as in the charter stipulated; and that the Commissioners appointed to open books be allowed to open the same for the subscription of stock on the second Monday in March, 1850, at the places and under the regulations prescribed in the original charter.

Approved March 5, 1850

CHAPTER 375.

AN ACT for the benefit of the heirs of John Rider.

Whereas, it is represented that John Rider, late of Lincoln county, who was an Englishman, departed this life intestate in 1849, his heirs all being aliens, and he having title to certain lands in Boyle county, which, previous to his death, he had sold, but not conveyed, to one David Langford, which sale was evidenced by written agreement, and doubts exist whether his heirs can take his estate, and whether the said contract can be specifically enforced. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the heirs of John Rider, deceased, though aliens, are hereby declared capable, in law, of taking his estate, subject, however, to the claims of his creditors and the equity and rights of said Langford to have the said contract specifically executed; and the said Langford may file his bill in the Boyle Circuit Court against Rider's heirs, setting forth his contract, and upon traverse or answer and proper proof, the said court may decree the specific execution of the contract, and decree the conveyance from said Rider's heirs to said Langford; which conveyance, when made by a Commissioner, shall pass all the right, title, and property, which the said Rider had, or his heirs may have, in said lands, to the said Langford.

SEC. 2. That the administrator of the said Rider shall pay over to the heirs of the said Rider all assets and proceeds of said estate which have come, or may come, to his hands, to which they may be legally or equitably entitled, which payment shall be good and valid in law.

Approved March 5, 1850.

CHAPTER 376.

1850.

AN ACT for the benefit of the estate of James I. Morrison, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the administrators and heirs (or either of them,) of James I. Morrison, deceased, to file, during vacation or in open court, as they may prefer, their petition in the Trigg Circuit Court, praying the sale of a portion of the land of said decedent, for the purpose of paying the debts due from said decedent's estate, instead of selling the slaves belonging to said estate, for the payment of said debts, and at the first term of said court after filing said petition, if the same be filed in vacation, or at the term at which the same is filed, if in term time—provided satisfactory proof be made to the Chancellor that it would be to the interest of all parties interested to sell lands instead of slaves—he may decree the sale of so much of the land as may be necessary to pay the balance of the debts against said estate, after having applied the proceeds of the sale of the personal property, (except the slaves,) of said estate to the payment of the debts against the same.

Approved March 5, 1850.

CHAPTER 377.

AN ACT to incorporate the Bank Lick Turnpike Road and Bridge Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be and is hereby incorporated, as a body corporate and politic, in the county of Kenton, by the name and style of the Bank Lick Turnpike Road and Bridge Company, for the purposes of constructing a road from some convenient point on the turnpike leading from Covington towards Independence, thence crossing Bank Lick creek below Taylor's mills, to Licking river, at or just above the mouth of said Bank Lick creek, a distance of about two and a half miles; also, of erecting a bridge across said Bank Lick creek where the road shall cross the same.

Corporate
name and pow-
ers.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not be more than ten thousand dollars, to be divided into shares of twenty five dollars each.

Capital stock.

SEC. 3. That books for the subscription of stock may be opened in the cities of Covington and Newport, and such other places as may be deemed best, under the direction of John S. Morgan, Herman Carlton, Daniel Moorar, James Taylor, jr., George T. Williamson, and F. M. Webster, or some one or more of them, all of whom are hereby appointed commissioners for the purpose of obtaining subscriptions to said road and bridge. And the said commis-

Books to be
opened, &c.

1850.

sioners, or such of them as shall act, shall procure a book or books, which shall contain the following obligation, and shall be signed by every person who shall take stock in said company: "We, whose names are hereunto subscribed, do severally bind ourselves, respectively, to pay to the President, Directors and Company of the Bank Lick Turnpike Road and Bridge Company, the sum of dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said company." And when the President and Directors shall have been elected, as hereinafter prescribed, they shall have full control of the said books of subscription, and may have the same opened, from time to time, under their direction, until a sufficient sum is subscribed to complete the work.

Com'rs to give notice of opening of books, &c.

President and Directors, powers, duties, &c

Treasurer, his duties, shall give bond, &c.

SEC. 4. That as soon as a majority of said commissioners, or a majority of those that shall act, shall be of opinion that a sufficient amount of stock is subscribed, to justify a commencement of said road, they may call a meeting of the stockholders, (having first given at least two weeks notice of the time and place of meeting, by publication in some one or more newspapers published in Covington or Newport,) and hold an election for President and five Directors, who shall hold their offices for one year, and until other like officers shall have been elected: *Provided*, that should a vacancy occur, the remainder of the Directors shall fill the same by appointment; and should the offices of the directory become vacant, from any cause, any three of the stockholders may call a meeting of the stockholders, as above mentioned, to fill such vacancies by an election. The Directors shall appoint a Treasurer, and such other officers as they may deem necessary; and the said Treasurer, before he enters upon the duties of his office, shall execute a bond to said company, with security, to be approved by the directory, in such penalty as they may deem necessary, conditioned that he will well and truly, in all things, perform the duties of his office; and whenever a demand shall be made on him by the directory, or its authorized agent, pay over as they may direct all sums of money in his hands as Treasurer, and hand over all books and papers belonging to the company; and the said Treasurer shall continue in office until the directory shall make another appointment: *Provided*, that no person but a stockholder shall hold the office of President or Director.

Corporation organized, name and style, powers and duties.

SEC. 5. That upon the election and qualification of said Directors, they shall be a body politic and corporate, by the name and style of the Bank Lick Turnpike Road and Bridge Company, and by said name said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of

taking and holding their capital stock and the increase and profits thereof; of purchasing and selling lands and tenements, as the same may be deemed necessary by said directory in the construction of said road; to sue and be sued, plead and be impleaded; to have a common seal; and generally, to do all and every thing which may be requisite, and not contrary to the intention of this act.

Sec. 6. That the President and Directors, after their election, shall make a call upon the different stockholders for payment upon their several subscriptions, which call may be made in such manner as they shall deem right and just: *Provided*, that the first call shall not be over twenty per centum on the amount subscribed, and may be less, in the discretion of said Directors: *And, provided further*, that all subscribers paying as much as twenty per centum, as aforesaid, at the first payment, shall be entitled to a notice of forty days upon any subsequent call.

Sec. 7. That every stockholder shall be entitled to one vote on each share owned by him, to the number of four; and shall be entitled to one vote for the next two shares; and for every four shares thereafter shall be entitled to one vote only.

Sec. 8. That the certificate of the President, countersigned by the Treasurer, shall be evidence of ownership of stock in this company, and the same shall be transferable on the books of the Treasurer, in person, or by attorney, when all arrearages thereon shall have been paid, and not until then.

Sec. 9. That the President may call meetings of the Board of Directors at such times and places as he may think proper; a majority of the Directors shall constitute a quorum, and in the absence of the President a majority of said Directors, as aforesaid, may elect a President *pro tempore*: *Provided*, that if, by the death of the President, or other cause, a meeting should not be so called when the business of the company shall demand it, any two of the Directors may call the same, first having given reasonable notice of the time and place of such meeting. That said Board of Directors shall have full power to pass all by-laws necessary to promote the interest of the stockholders, and to superintend the construction of said road, and the management and government of the same.

Sec. 10. That said company shall have the power to complete the road before building the bridge aforesaid, and to erect a gate, at which they may charge half toll; and when said bridge is completed, said company may charge full toll, as though there was five miles of road; and said company may charge the same rates of toll as are allowed and prescribed by an act, entitled, an act regulating the tolls on turnpike roads, in which the Commonwealth is a joint stockholder, and for other purposes, approved February 25,

1850.

Calls on stock.

Stock, how
voted on, &c.Certificates of
stock.President may
call meetings.

Quorum.

May erect
gate, toll to be
charged speci-
fied, &c.

1850.

County Courts,
cities & towns
may take stock.

1842; and all of the general laws of this Commonwealth relating to turnpike roads, and not inconsistent with this act, may be considered as a part hereof: *Provided*, that it shall and may be lawful for the County Court of any county in this Commonwealth, in its corporate capacity, and the Councilmen of any city, or the Trustees of any town, for the benefit of such city or town, to subscribe for stock in said company. The General Assembly of Kentucky hereby retain the right and power to alter, amend, change, or repeal the above and foregoing charter.

Approved March 5, 1850.

CHAPTER 378.

AN ACT to incorporate the Lexington and Danville Railroad Company.

Commission-
ees' names, &c.,
receive subscrip-
tions of stock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry C. Payne, John B. Tilford, Joseph Bryant, John Norton, F. K. Hunt, Edward Oldham, J. C. Darby, W. S. Chipley, George W. Sutton, R. Wickliffe, Jr., John Curd, James A. Grinstead, George Robertson, James O. Harrison, William A. Leavy, Jacob Ashton, Richard Pindell, Benjamin Gratz, E. K. Sayre, Owen Winn, Samuel G. Jackson, Henry Bell, Samuel P. Letcher, John McMurtry, J. B. Johnson, Philip E. Yeiser, David S. Goodloe, and John G. Chiles, of Fayette county, Kentucky; George I. Brown, Cyrus Kenney, Tucker Woodson, Edward Carter, David Crozier, John Bradshaw, Archibald Young, Robert E. Woodson, and Otho Robards, of Jessamine county; John R. Bryant, Abram Smith, William Thompson, Christopher Graham, James Taylor, Frank Ballinger, Elijah Hutchison, Joel P. Williams, Thomas Hutchison, Isaac N. Thompson, and William J. Moberly, of Mercer county; Obadiah Garnett, James P. Mitchell, Albert G. Talbott, William Craig, Charles Henderson, Abram J. Caldwell, Clifton Rodes, Jeremiah T. Boyle, James S. Hopkins, Charles Caldwell, Joseph Weisiger, Joseph Smith, Thomas Barbee, James Barbour, John Barkley, John R. Ford, Charles H. Rochester, William W. Batteredon, and John H. Caldwell, of Boyle county; Thomas Helm, Hayden J. McRoberts, R. W. Graham, Joseph Newland, George Dunlap, Sr., George W. Welsh, George F. Lee, and Robert M. Blain, of Lincoln county, be and they are hereby appointed commissioners, under the direction of any three or more of whom, in their respective counties, subscriptions may be received to the capital stock of "the Lexington and Danville Railroad Company" hereby incorporated; and they or any three or more of them may cause books to be opened, at such times and places in their respective counties as they may direct, and for the purpose of receiving subscriptions to the capital stock of said compa-

Name & style
of company.

ny, after giving such notice of the times and places of opening the same as they may deem proper. And after the first opening of said books, they shall be kept open for at least five days, from ten o'clock, A. M. until two o'clock P. M.; and if, after the expiration of that period, such a subscription to the capital stock of the said company as is necessary to the incorporation shall not have been obtained, the said commissioners, or any three or more of them, in their respective counties, may cause the said books to be opened, from time to time, after the expiration of said five days, until the sum necessary to the incorporation of said company shall be subscribed.

1850.

Books for subscriptions of stock to be opened, &c.

SEC. 2. *Be it further enacted*, That the capital stock of "the Lexington and Danville Railroad Company" shall be seven hundred thousand dollars, in shares of fifty dollars each, which may be subscribed for by any individual or corporation; and as soon as three thousand shares of the said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of "the Lexington and Danville Railroad Company;" and by that name shall be capable, in law, of purchasing, holding, selling, leasing, and conveying real estate, (not exceeding five thousand acres,) and personal and mixed estate, so far as the same shall be necessary for the purposes hereinafter mentioned; and shall have perpetual succession; and by said corporate name may sue and be sued; and may have and use a common seal, which they shall have power to alter or renew at their pleasure; and shall have and enjoy, and may exercise all the powers, rights, and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act.

Capital stock.

Name & style of company, its powers, privileges & objects.

SEC. 3. *Be it further enacted*, That if more than fourteen thousand shares shall be subscribed to the capital stock of the said company, the said commissioners, or a majority of those who shall act as such, shall reduce by striking off from the largest number of shares in succession until the subscriptions are reduced to fourteen thousand shares.

Com'rs may reduce over-subscription of stock.

SEC. 4. *Be it further enacted*, That at every such subscription, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscription, either in money, or a note negotiable and payable at some bank at sixty days, or longer, at the option of said commissioners, or their agents, the sum of two dollars on every share subscribed for, and the residue thereof shall be paid in such instalments, and at such times, as may be required by the President and Directors of said company: *Provided*, no payment shall be demanded until at least thirty days public notice of such demand shall have been given by said President and Directors, nor shall more than forty per cent. of each share of stock be called for in

Payments to be made on stock when subscribed.

1850.

May borrow
money.

Stock may be
forfeited for the
non payment of
calls.

If stock is not
taken in three
years, charter to
be void.

Com'rs to
call gen'l meet-
ing of stockhol-
ders.

Six Directors
to be elected.

any one year; but if the exigencies of the company should require the payment on the stock to be made more rapidly than is provided for herein, or should the President and Directors, or a majority of the whole number elected, consider it expedient, for the purpose of aiding the stockholders or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding three hundred thousand dollars; and if any shall fail or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, for the space of sixty days next after the time the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by the said President and Directors for the benefit of said company; but the President and Directors, by a majority of their whole board, may remit any such forfeiture, on such terms as they shall deem proper.

Sec. 5. *Be it further enacted*, That if the subscription herein made necessary to the incorporation of said company shall not be obtained within three years after the first opening of the subscription books by the said Commissioners, this act and all the subscriptions under it shall be null and void; and the said Commissioners, after discharging the expenses of opening the books, preliminary surveys, and other liabilities incurred in endeavoring to obtain subscriptions of stock, shall return the residue of the money, paid in upon such subscriptions, to the several subscribers, in proportion to the sums respectively paid in by them.

Sec. 6. *Be it further enacted*, That as soon as practicable after three thousand shares of stock shall have been subscribed, the said Commissioners, or a majority of those acting, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days public notice thereof; and at such meeting the said Commissioners shall lay the subscription books before the subscribers then and there present, and, thereupon, the said subscribers, or a majority of them then present, shall, from among the stockholders, elect six Directors by ballot, to manage the affairs of the company; and these six Directors, or a majority of them, shall have the power of electing a President of said company, either from among the Directors, or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by him, her or it; and every stockholder may, in writing, depute any other person to vote for him, her or it, as his, her or its proxy, and the Commission-

ers aforesaid, or any three or more of them, shall be judges of the said first election of Directors.

1850.

SEC. 7. *Be it further enacted*, That to continue the succession of the President and Directors of said company, six Directors shall be chosen annually, on the first Tuesday in May in every year, at such places as the Board may, from time to time, appoint by the stockholders of said company; and that the Directors of said company, or a majority of them, shall have power to appoint judges of all elections, and to elect a President of said company, either from among the Directors, or any other stockholder, and to allow him such compensation for such services as they may deem proper; and if any vacancy shall occur by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacant place, for the residue of the year, may be appointed by the President and Directors of said company, or a majority of them; and that the President and Directors of the company shall hold and exercise their offices until a new election of President and Directors; and that all elections which are, by this act or the by-laws of said company, to be made on a particular day, or at a particular time, if not made on such day or such time, may be made at any time within thirty days thereafter.

Directors to be elected annually.

Vacancies, & how filled.

SEC. 8. *Be it further enacted*, That a general meeting of the stockholders may be called at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one fourth of the whole stock subscribed, upon giving thirty days public notice of the time of holding the same, which shall be at some place in Danville or Lexington, named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if at any such called meetings a majority (in value,) of the stockholders of said company are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days; and if, within said three days, stockholders having a majority in value of the stock subscribed do not attend, such meeting shall be dissolved.

President and Directors may call meetings of stockholders.

SEC. 9. *Be it further enacted*, That at the regular meetings of the stockholders of said company, it shall be the duty of the President and Directors in office, for the preceding year, to exhibit a clear and distinct statement of the affairs of the company. That at any called meeting of the stockholders, a majority (in value,) of the whole stock subscribed being present, or a majority (in value,) of the attending stockholders, may require similar statements from the President and Directors, whose duty it shall be to furnish them when thus required; and that at all general

President and Directors shall make annual reports, &c.

1850. meetings of the stockholders, a majority (in value,) of all the stockholders in said company may remove from office the President or any of the Directors of said company, and fill up vacancies thus created, in the same way and to the same extent, that they could do at their stated meetings.

President and
Directors shall
take oath.

SEC. 10. *Be it further enacted*, That every President and Director of said company, before he acts as such, shall swear or affirm, (as the case may be,) that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

Cities, towns
and County C's
may take stock.

SEC. 11. *Be it further enacted*, That if the City Council of the city of Lexington, the Trustees of the towns of Danville and Harrodsburg, or the County Courts of any of the counties in which said road shall be located, shall subscribe for stock in said road, upon the passage of laws by the General Assembly authorizing them to subscribe stock in said road, the subscriptions, so made, shall be made payable at such times and upon such terms as shall be agreed on between the subscribers and the Commissioners, or Directors, taking the subscriptions, and the calls upon such stock may be at different times than those calls which may be made on other stockholders, as provided for in the fourth section of this act.

President and
Directors may
be open books
for subscription
of stock.

SEC. 12. *Be it further enacted*, That if any of the stock created by virtue of this act, shall remain unsubscribed until after the election of the President and Directors, as provided for in the second section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company which may remain unsubscribed for, or to sell or to dispose of such unsubscribed stock for the benefit of the company, for any sum not under its par value, and the purchasers or subscribers of such stock shall have all the rights, powers, and privileges of original subscribers, and shall be subject to the same regulations.

May appoint
officers, engi-
neers, agents,
&c.

SEC. 13. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents, or servants, whatsoever, as they may deem necessary, for the transaction of the business of the company, and may remove any of them at their pleasure. That they, or a majority of them, may have power to determine, by contract, the compensation of all the officers, engineers, agents, servants, or others in the employ of the said company, and to regulate, by their by-laws, the manner of adjusting and settling all the accounts against the company. That they, or a majority of them, shall have power to erect buildings for the safe keeping of the articles entrusted with them for transportation, and for work shops necessary for the business of the company. That they, or a majority of them, shall have power to direct the manner, and by what evidence, stock in said

May fix sala-
ries, &c.

May erect
buildings, &c.

company may be transferred ; and to pass all by-laws which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the object of this act into effect : *Provided, only*, that such by-laws shall not be contrary to the laws of the United States, or the laws of this State.

1850.
May direct
how stock shall
be transferred.

SEC. 14. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said company, or a majority of them, from time to time, to increase the said capital stock, by the addition of as many shares as they may deem necessary, not exceeding in amount the further sum of three hundred thousand dollars, for which they may, at their option, cause subscriptions to be received, giving notice in the manner herein before prescribed, or may sell the same for the benefit of said company for any sum not under their par value, or may, upon the request of the stockholders representing in interest two thirds of the stock, mortgage the said road for any sum necessary for its completion.

May increase
capital stock,
&c.

SEC. 15. *Be it further enacted*, That the President and Directors of said company shall be and they are hereby invested with all the rights and powers necessary for the construction and repair of a railway, with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point in the town of Danville, thence by such route as they may select, to the city of Lexington, and such point therein as may be agreed on by the President and Directors of said road, or a majority of them, and the City Council of Lexington, not exceeding sixty six feet wide, with as many sets of tracks as the said President and Directors, or a majority of them, may deem necessary ; and that they may cause to be made a contract with others for making said railroad or any part of it, and they, their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon and use and excavate any land which may be wanted for the site of said road, or the location of warehouses or other works necessary to said road, or for any other purposes necessary or useful in the construction or repair of said road, or its works ; and they may build bridges, provided they do not obstruct the navigation of navigable streams ; may fix scales and weights ; may lay rails ; may take and use any earth, timber, gravel, stone, or other materials, which may be wanted for the construction or repair of said road, or any part of its works ; and may make and construct all works whatsoever which may be necessary and expedient in order to the proper completion of the said road.

General pow-
ers, privileges,
&c.

SEC. 16. *Be it further enacted*, That the thirty ninth, fortieth, forty first, forty second, forty third, forty fifth, forty sixth, forty seventh, forty eighth, forty ninth and fifty first

Certain sec-
tions of other
charters adopt-
ed as part of
this.

1850.

sections of an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act to incorporate the Licking and Lexington Railroad Company, and Louisville and Frankfort Railroad Company, approved March 1, 1847," be and the same are hereby re-enacted and incorporated into this act, and as part of the same, only substituting, when it is proper, the style of this company in lieu of the style of the Louisville and Frankfort Railroad Company, and the provisions of the said sections of said act shall be applicable to this company, as though they were copied into this act as a part hereof.

44th section of
Louisville and
Frankfort rail-
road charter ap-
plied to this.

SEC. 17. *Be it further enacted*, That the forty fourth section of said act, approved March 1, 1847, after striking out the words "between Frankfort and the Ohio river," as they occur in said forty fourth section, be and the same is hereby enacted as a part of this act, and made applicable to "the Lexington and Danville Railroad Company" hereby incorporated, as though the said forty fourth section, with said omissions, was copied at length into this act.

May prosecute
business when
10 miles of road
are finished.

SEC. 18. *Be it further enacted*, That so soon as the Company shall have completed ten miles of their route, they may commence and prosecute their business upon the terms and upon the stipulations herein provided for, as though the whole work was completed.

May branch
the road.

SEC. 19. *Be it further enacted*, That it shall and may be lawful for said railroad company to branch the said road, and run lines to any points within the counties of Fayette, Jessamine, Mercer, Boyle, Lincoln, or Garrard, on the terms mentioned in this act, and especially to or near the towns of Harrodsburg and Nicholasville, and to such points on the Kentucky river as may be deemed useful to facilitate the transportation of products from and to the Kentucky river from and to said railroad. It shall be lawful for said company to unite this road with any other railroad in any of said counties which now is or may hereafter be, constructed, with the consent of the Directors of said other railroad company. It shall be lawful for other railroad companies, now or hereafter to be incorporated, to unite with this road, with the consent of the Directors of this road; and it shall be lawful for the Lexington and Danville Railroad Company to contract with any other railroad company which now is, or may hereafter be, incorporated in this State, for the use of the locomotives, cars, engines, vehicles, carriages, or machinery of any description whatever, belonging to each respective railroad company, and to be used upon the tracks of each respective railroad company, upon such terms, and under such stipulations and conditions as may be agreed on by the said companies contracting.

May connect
road with any
other road.

Other roads
may connect
with this.

Tax on capital
stock.

SEC. 20. The rate of tax on each one hundred dollars of stock in said company shall be at the same rate fixed by law on each one hundred dollars of taxable property for

the public revenue; and the tax shall be paid by the President and Directors into the Treasury, on or before the first day of December in each year; and when the nett profits of the stock in said road shall exceed six per centum per annum, on each one hundred dollars worth of stock, the Commonwealth reserves the right to put the same rate of tax on each one hundred dollars of such excess of nett profits, and cause the same to be paid into the Treasury, each year, in like manner; but the stockholders, resident within the State of Kentucky, shall not be compelled to list such stock with the Assessor: *Provided*, that all the taxes which shall be paid into the Treasury, by said company, shall pass to the credit of the Sinking Fund; and it is also further provided, that no tax shall be demanded of said company until said road is completed.

1850.

Legislature
may tax profits
over 6 per cent.

Approved March 5, 1850.

CHAPTER 379.

AN ACT to incorporate the Frankfort and Clifton Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a Company is hereby incorporated, for the purpose of constructing a turnpike or McAdamized road from the town of Frankfort, up the Kentucky river by the mouth of Glenn's creek, to Clifton, or some other convenient point on the Kentucky river, to be called and known by the name of the Frankfort and Clifton Turnpike Road Company; and by that name shall be a body politic and corporate.

Name & style.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each. Books for the subscription of stock in said Company shall be opened on the first Monday in March next, or as soon thereafter as the Commissioners hereinafter named may think proper to open the same, and the subscribers of stock in said company shall sign an obligation of the following import, viz: "We, whose names are hereunto subscribed, do bind ourselves to pay unto the President and Directors of the Frankfort and Clifton Turnpike Road Company the sum of fifty dollars for each share of stock set opposite our respective names, at such times, and in such proportions as may be required by the President and Directors of said Company."

Capital stock.

SEC. 3. That William Scarce, Thomas S. Page, Charles H. Julian, Richard K. Woodson, of Franklin county; Samuel Miles, Peyton Johnson, Oscar Pepper, William L. Graddy, Isaac Whittington, and Notley C. Harris, of Woodford county, are appointed Commissioners to open books for the subscription of stock in said company, and may open books

Com'rs.

1850.

Com'rs to call
meeting stock-
holders.

for that purpose at such places as they may think proper, and continue them open, from time to time, until stock sufficient for the construction of said road is subscribed.

SEC. 4. When ten thousand dollars of the capital stock shall be subscribed for, the said commissioners, any two of whom may act, shall call a meeting of the stockholders at such time and place as they may think proper to designate, by giving ten days' notice thereof, by publication in some newspaper printed in the town of Frankfort, for the purpose of electing a President and three Directors, a Treasurer, and such other officers as may be deemed necessary and proper. Each stockholder shall be entitled to one vote for each share by him subscribed, and may vote in person, or by proxy, in writing.

President, &c.,
shall take an
oath.

SEC. 5. The President and Directors elected, shall, before they enter upon the discharge of their duties, take an oath before some Justice of the Peace faithfully and impartially, and to the best of their ability, to perform the duties of their office. They shall cause a record of their proceedings to be kept in a book to be provided for that purpose, which shall be subject, at all times, to inspection by any of the stockholders.

Treasurer and
other officers to
give bond.

SEC. 6. The said President and Directors shall have power to require and take from the Treasurer, and other officers elected, bond with security, in such penalty, and with such conditions, as they may think proper to prescribe by their by-laws.

Board may
adopt by-laws,
&c.

SEC. 7. That said President and Directors shall have power to adopt and put in execution all such by-laws, rules, and regulations, as they may deem necessary and proper for enabling them to construct, control, and manage the road contemplated to be constructed under and by virtue of the provisions of this act.

Location of
road, &c.

SEC. 8. The said road shall be located on the most practicable route, from such point at or near the town of Frankfort, up the Kentucky river, to such point or place as the President and Directors shall determine upon; it shall be forty feet in width, and not less than sixteen feet of that width graded and covered with stone or gravel at least nine inches in depth.

Organisation
of company.

SEC. 9. That upon the election and qualification of the President and Directors, as hereinbefore directed, they and their successors, (who shall be elected annually by the stockholders, at such time and place as may be agreed upon and fixed by the by-laws,) shall be and are hereby created a body politic and corporate, by the name and style of the Frankfort and Clifton Turnpike Road Company; with power to increase or diminish the amount of their capital stock; to purchase, take, and hold real estate, to such extent as may be deemed necessary and proper for the erection of toll houses, and dwelling houses for gate keepers, &c.

Annual Elec-
tions.

SEC. 10. That the several provisions of the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-third and thirty-fourth sections of the act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, are hereby adopted and re-enacted as part of this act, and shall apply to and govern and control the company hereby created, so far as the same are applicable, and are not inconsistent with the objects of this act.

1850.
General powers and privileges.

SEC. 11. That when four consecutive miles of said road shall be completed, a toll gate shall be erected thereon, and tolls may be charged and collected thereon, pursuant to the twenty-second section of the above recited act.

When gate may be erected.

Approved March 5, 1850.

CHAPTER 380.

AN ACT to incorporate certain Turnpike Road Companies in Montgomery county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed, under the name and style of the Mountsterling and Howard's Mill Turnpike Road Company, for the purpose of making a turnpike, or other road, from Mountsterling to the Bath line, passing at or near Howard's Mill on Slate, and that the capital stock of said company shall be as many shares of fifty dollars each as will make said road, not exceeding the sum of thirty thousand dollars.

Corporate name & style.

Capital stock.

SEC. 2. That books for the subscription of stock in said company shall be opened on the last Monday in April next, or at any time thereafter as may be deemed expedient, in Mountsterling under the direction of George Howard, Richard Apperson, Walter Chiles, Thomas F. Hazelrigg, John Voris, Alexander Lindsey, Aquilla Young, and Peter Everett; and at Howard's mill, under the direction of William F. White, Thomas Skilman, John Tinley, Buck Glover, Jesse Yeates, Robert H. Gatewood, and John Choat, or some two or more of them at each place, who are appointed commissioners. The subscribers to said company shall enter into the following obligation, substantially: "We, whose names are hereto subscribed, severally, promise to pay to the Mountsterling and Howard's Mill Turnpike Road Company the sum of fifty dollars in cash, labor, or materials, as the President and Directors may require, for each and every share of stock set opposite our names respectively, and agreeably to an act of the General As-

Books to be opened.

Com'rs.

Obligation of subscribers.

1850.

sembly incorporating said company." Notice shall be given of the opening of the books for the subscription of stock in said company.

Com'rs to
call meeting of
stockholders.

SEC. 8. Whenever the commissioners, or any three of them, may be of opinion that a sufficient amount of stock has been subscribed to justify commencing the making of said road, they may call a meeting of the stockholders for the purpose of electing a President and five Directors, who shall hold their office for one year, and until their successors shall be elected and qualified. A Treasurer shall be appointed annually by the President and Directors, who shall give a bond, with good security, in an adequate penalty, payable to said company, conditioned that he will faithfully discharge the duties of Treasurer; that he will perform the duties required of him by the by-laws of said company, and that he will pay the amount of moneys in his hands to the President and Directors, or to their order: *Provided*, that the said President, Directors, and Treasurer, before entering upon their offices, respectively, shall take an oath before some Judge or Justice of the Peace that he will faithfully perform the duties of his office, without favor or affection, and to the best of his judgment.

Treasurer, his
duties.

President, Di-
rectors, and
Treasurer, to
take oath.

President and
Directors, their
corporate pow-
ers, &c.

SEC. 4. That upon the election and qualification of the President and Directors, they shall be a body politic and corporate, in deed and in law, by the name and style of the Mountsterling and Howard's Mill Turnpike Road Company; and by said name to have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, all such lands, tenements, and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; also, to have a common seal, and to do all and every thing which a body politic or corporate may lawfully do.

Stock how vo-
ted on, annual
elections, &c.

SEC. 5. Each stockholder shall be entitled to as many votes in the election of a President and Directors, and in all other elections, as he may hold shares of stock in said company. The stockholders may vote in person or by proxy. The election shall take place annually, on the first Monday in June, unless the time shall be changed by the by-laws of the company, and at each annual meeting of the stockholders, the President shall lay before them an expose of the situation of said company, and the records of their proceedings. The company shall have power to pass by-laws for their government, and to fix days and places for their annual meetings and elections; and certificates of

stock shall be transferable as other personal property, on the books of the company, in person or by attorney, and proper certificates of stock shall be given to stockholders; no share shall be transferred until all calls and arrearages shall be paid thereon. The by-laws shall provide for calling meetings of the President and Directors; the number of which shall be requisite to constitute a Board; the keeping a record of the proceedings of the Board; the salary of all officers; the filling all vacancies in the Board or otherwise; the election of agents, superintendents, gate-keepers, engineers, and others; and the President and Directors shall prescribe the time, manner and proportions, in which the stockholders shall make payments on their respective shares; the President may draw orders on the Treasurer for all sums necessary to be disbursed, and the Board may do all such matters and things as by this charter and the by-laws they are authorized to do.

SEC. 6. The President shall give public notice, for at least thirty days, on the amount of call on each share of stock, and of the time of payment; and should any stockholder fail to pay such call, as may be made within thirty days, after it falls due, he shall pay one per cent. per month for such failure until the call shall be fully paid; and for failure to pay the call and interest for six months, the President and Directors may forfeit to the corporation the shares so unpaid, and the amount which may have been paid on such shares; and such forfeited shares may be sold by the President at public auction for what they may bring, provided they bring the balance due thereon, or the President may force payment from such stockholder by law.

SEC. 7. The road shall be graded as deemed most advisable by the President and Directors; the width of the road shall not be greater than forty feet, and the portion covered with metal or McAdamized stone, or with plank, shall not exceed sixteen feet; and the President and Directors, or a majority of them, may fix the route over which said road shall pass; and by themselves, servants, and agents, they are hereby authorized to enter in and upon the land and enclosures through and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor; and to examine for quarries, beds of stone, and other materials necessary for the completion and repairs of the road; and in case the corporation, by purchase or voluntary cession, shall not be able to acquire the lands over which the road shall be laid, yet it may appropriate so much of the lands as may be necessary to its use for the purposes contemplated by this charter: *Provided, however,* that the owner shall be paid a just compensation therefor, to ascertain which the following rules shall be observed: on the presentation of the petition of the President and Directors to the Judge of any Court, setting forth

1850.

Certificates of stock to be issued.

Payments on stock, &c.

Notice of calls on stock to be given, &c.

Stock, how forfeited.

Width of road, grade, &c.

May locate road, survey routes, &c.

1850.

Land and materials to be valued; condemned &c.

the land and materials wanted, and the name or names of the owner or owners thereof, and showing that due notice has been given, the Judge shall appoint three disinterested freeholders of the county, for the purpose of their assessing the damages, which, in their judgment, such owner or owners would sustain by reason of the appropriation of their land or materials; said freeholders to be first sworn before returning their award; and the Judge shall appoint a day for the hearing of the parties interested; and the Judge may make all necessary and proper orders which, in his judgment, are requisite for a speedy and impartial assessment of damages; and when an infant or other disabled person may be interested, a guardian *ad litem* shall be appointed, as in other cases. The oath to be administered to such appraisers shall be, "to honestly and impartially assess such damages, and to take into consideration all the advantages and disadvantages that may accrue to the owner or owners of said land;" and by viewing said land and hearing all testimony offered, the appraisers are to ascertain and assess the damages which each owner may sustain by the appropriation of his land or materials for the use of the corporation. Within ten days after the notification of the appraisers of their appointment, they shall make their report to said Judge in writing, to be signed by them, specifying the lands, the owners named, and the damages, with all necessary certainty. The parties shall have reasonable notice of returning the award, and should either party be dissatisfied they may be permitted to introduce proof before the judges who may set aside the award, for good cause, and appoint other appraisers, or he may correct or modify said award as may be most conducive to justice; and when settled upon by the Judge, and payment made to the owner, the title shall vest in said corporation; and the Judge shall cause the award of the appraisers, and his judgment, and the evidence of the payment of the money, to be recorded in the County Court Clerk's office, with deeds of conveyance, and which shall operate as a deed to said corporation; and copies from such records shall be read as a copy of a deed.

Gate to be erected when road is completed.

SEC. 8. So soon as said road may be completed, and two Justices of the Peace shall certify to the fact, a toll gate may be put across said road, and the corporation may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, cattle, carriages, &c.: *Provided*, that no toll gate shall be erected within one mile of any town.

President and Directors to appoint toll gatherers, &c.

SEC. 9. The President and Directors may, from time to time, appoint all necessary toll gatherers, and to collect from every person using said road the tolls and rates hereinafter mentioned, and to stop any person riding, leading, or driving any cattle, sheep, hogs, sulky, chair, chaise, cart,

wagon, or any other carriage of burden or pleasure, from passing through said gate or turnpike, until toll shall have been paid by them agreeable to the following rates, to-wit: For every twenty head of sheep, hogs, or other small stock, five cents; for every five head of cattle, five cents; for every horse, mule, jack ass, or other four footed animal of the like or larger kind, except cattle, five cents; for every two wheel pleasure carriage, five cents, exclusive of the beast or beasts by which it is drawn; for every four wheel pleasure carriage, ten cents, exclusive of the beasts by which it is drawn; for every cart, ten cents; every four wheel wagon or other carriage of burden, twenty cents, exclusive of the tolls on the horses, or other beasts, by which such cart, wagon, or other carriage of burden, may be drawn; and a printed list of tolls shall be put up at the toll gate.

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Rates of toll,
&c.

SEC. 10. If any person, liable to pay tolls on said road, shall, with intent to defraud the company, pass through any private gate or bars, or along or over any grounds or lands near to such turnpike gate; or with intent to lessen or evade the payment of toll, shall practice any other fraud or device, or use force, such person, so offending, for each and every offence, shall forfeit and pay to said company, over and above the tolls, a sum not less than one dollar nor more than five dollars, recoverable before a Justice of the Peace, in an action of debt, in the name of the corporation, and for its sole use.

Penalty for
passing gate
without paying
toll, &c.

SEC. 11. Whenever the County Court of said county shall enter an order that said road is so far out of order that tolls should not be paid, then the company shall be forbidden to charge tolls at their gate; and should they offend, the company shall be finable in any sum not less than one nor more than five dollars, before any Justice of the Peace of said county, in an action of debt, by any person aggrieved; *Provided*, the President of said company should have notice of such order of the County Court. After such order no tolls shall be charged until said court is satisfied that the road has been sufficiently repaired, or until a Justice of the Peace, from personal inspection of the road, shall certify that it has been repaired, and that in his judgment tolls ought to be charged; which certificate shall be filed in the County Clerk's office, and there be recorded by the Clerk for which the Clerk shall be paid twenty five cents by the company, and so soon as so filed tolls may be charged and collected on said road. Should any toll gatherer on said road charge and collect a greater amount of toll than hereby authorized, he shall be fined ten dollars, before any Justice of the Peace, for the benefit of the informant.

Toll not to be
charged when
road is out of
order.

SEC. 12. That the President and Directors shall keep a fair account of all the receipts and expenditures of the company; which shall, at all times, be open for the inspection

President and
Directors to
keep account of
expenses—shall
declare divi-
dends, &c.

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tion of any stockholder, and be laid before the stockholders at their general meetings. After the completion of the road, the President and Directors shall, every six months, make a dividend of the clear profits, and pay it to the shareholders: *Provided however*, that if the nett proceeds of the tolls, at the rates herein allowed, shall not produce a dividend of nett profits of six per cent. per annum, on the cost of said road, the same may be increased so as to produce six per cent. per annum; and if the said rates, for one year, should produce more than twelve per cent. per annum, they shall be reduced so as not to produce a greater than twelve per cent. per annum.

Gate keepers
to give bond.

SEC. 13. All gate keepers shall give a bond, when required, to the Company for the faithful performance of their duty; and all persons guilty of tearing down, or in any wise defacing any mile or other post on said road, or any sign board or index, shall be finable before a Justice of the Peace not less than two nor more than ten dollars, in the name and to the use of said company.

Rules govern-
ing carriages,
&c., in passing
each other.

SEC. 14. All wheel carriages passing on said road other wheel carriages, shall keep on the right hand side, leaving at least one half the track on the other side, free and clear for other carriages to pass and re-pass, except when overtaking or passing a carriage of slower draught, when they may pass on either side the slow carriage; and any driver offending herein shall be finable in the sum of five dollars, to be recoverable by the company before a Justice of the Peace, besides being liable to the person injured in all damages which he may sustain.

May condemn
land for toll
house, &c.

SEC. 15. The President and Directors may purchase, or otherwise have condemned in the same way as land for the road, a sufficient quantity of ground to erect a toll house, and other buildings and fixtures, not exceeding one acre; but such acre shall not include any dwelling, or other house of the owner without his consent, nor his garden, yard, or orchard; nor shall it prevent him from having free access to the road from his farm or residence.

No toll to be
paid by owners
of land passing
from one part of
farm to another.

SEC. 16. That nothing in this act contained shall be so construed as to impose toll fees upon the owners of lands through which the road shall pass, their horses, cattle, or servants, passing on said road from one part of their farm to another, or to impose toll fees upon persons passing to or from any funeral, or upon voters going to or returning from any general election in said county, nor upon persons on the Sabbath, going to or returning from any public worship, or upon militia on days of muster attending to their duty.

May reduce
toll, or charge
annual toll.

SEC. 17. The President and Directors shall have power to reduce the rates of toll in cases of persons or families having frequent occasions to pass through the gate, and instead thereof may charge a reasonable annual toll or com-

pensation for such person or family—all persons making these annual contracts shall be reported by the Treasurer.

SEC. 18. *Be it further enacted*, That a company shall be formed, under the name and style of the Mountsterling and Levy Turnpike Road Company, for the purpose of making a turnpike, or other road, from Mountsterling to the Levy in said county, terminating at or near Smith's mill; and that the capital stock of said company shall be as many shares of fifty dollars each as will make said road, not exceeding the sum of thirty thousand dollars; and that books for the subscription of stock shall be opened in Mountsterling, on the same days and times, and under the direction of the same persons, or any two of them, as named in the second section, and under the direction of William Baldwin, Obediah Smith, Richard Oldham, Andrew Wills, James Bartlett, Nimrod A. Wilkerson, Anderson Bradshaw, James Anderson, and Daniel Dickey, or any two of them, at such times and places as they may deem necessary and proper; and the remainder of section two, and the other sections of this act, are hereby declared as the charter of the company incorporated by this section.

SEC. 19. *Be it further enacted*, That a company shall be formed, under the name and style of the Mountsterling and Jeffersonville Turnpike Road Company, for the purpose of making a turnpike, or other road, from Mountsterling to Jeffersonville, in said county, and that the capital stock of said company shall be as many shares of fifty dollars each as will make said road, not exceeding the sum of forty thousand dollars; and that books for the subscription of stock shall be opened in Mountsterling, on such times and days, and under the direction of the same Commissioners, or any two of them, as named in the second section, and under the direction of William Tipton, James Turley, James Means, David Cheatham, William Ragan, W. T. Chenault, Josiah Anderson, Sam. Greenwade, Ed. G. Orear, Joel A. Stevens, and W. O. Jamieson, or any two of them, at such times and places as they may deem necessary and proper; and the remainder of section two, and the other sections of this act, to section eighteen, are hereby declared as the charter of the company incorporated by this act.

SEC. 20. *Be it further enacted*, That the President and Directors of the Maysville and Mountsterling Turnpike Road be authorized to erect a toll gate across said road, at any point at each end not nearer than one mile of such end: *Provided*, that the ground for the toll house, &c., be first paid for as provided in the original act of incorporation.

Approved March 5, 1850.

1850.

Mt. Sterling &
Levy turnpike
incorporated.—
Capital stock,
&c.

Com'rs, &c.

Mt. Sterling
& Jeffersonville
turnpike incor-
porated, &c.

Com'rs, &c.

Maysville and
Mt. Sterling
turnpike may
erect gates. &c.

1850.

CHAPTER 381.

AN ACT to incorporate a Company to construct a Plank Road from Hopkinsville to Green River.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company is hereby incorporated, under the name and style of the Hopkinsville and Green River Plank Road Company, for the purpose of constructing a plank road from Hopkinsville, by Madisonville, to the most eligible point on Green river, or from Hopkinsville, along the most suitable and practicable route to the most eligible point on Green river, and from Hopkinsville along the most suitable and practicable route to the Tennessee State line, at some point in Christian county, which may be determined upon by the President and Managers as hereafter appointed.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; the capital stock may be increased hereafter, if found necessary to the completion of the road by the President and Managers. Books for the subscription of stock shall be opened on the first Monday in May next, or at such other time as the Commissioners may deem advisable, and continue open for two years, at the following places and under the direction of the following Commissioners: at Hopkinsville, J. J. Lampton, R. R. Lansden, Samuel A. Means, John P. Campbell, W. S. Talbot, N. E. Gray, Z. Glass, John A. McConnell, D. S. Hays, and David Hoosier; at Madisonville, Orlean Bishop, A. Gordon, George W. Noel, J. B. Frost, Sam. Morton, William Bradley, and John L. Woolfolk, and at such other places as said Commissioners, or any three of them, may direct. The subscribers to stock shall sign in said book the following obligation, viz: "We do severally bind ourselves to pay the sum of fifty dollars for each share of stock set opposite our respective names, to the President and Managers of the Hopkinsville and Green River Plank Road Company, in such sums and at such times as they may direct. Given under our hands this — day of —, 18—."

SEC. 3. That so soon as one hundred shares are subscribed, it shall be the duty of the Commissioners, or of such of them as may act, to give notice by publication in some newspaper published in Hopkinsville, and by a notice at Madisonville and other public places between Hopkinsville and Green river, for ten days, calling a meeting of the stockholders in Hopkinsville, for the purpose of choosing a President, Treasurer, and four Managers of said road, at which, and at all subsequent elections, each stockholder shall have one vote for each share of stock held by him. The Treasurer shall collect and disburse all moneys payable to, and to be disbursed by said company. The Managers may require of him such bond and security as they

Corporate
name & style.

Capital stock:

Books to be
opened.

Com'rs.

Obligation of
subscribers.

Com'rs to give
notice of meet-
ing of stockhol-
ders.

President,
Treasurer and
Managers, their
duties, &c.

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may deem necessary or proper for the faithful performance of his official duties, which bond shall be made payable to them and their successors, and in their name suit may be brought for a breach thereof, from time to time.

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SEC. 4. The President and Managers may call in said stock at the rate of ten per cent. for each forty days, and upon failure to pay when demanded, the amount so demanded shall bear interest at the rate of ten per cent. per annum, and the President and Managers may double the call. Any subscriber may pay his subscription in work at the usual cash price for labor on said road: *Provided*, he shall work at such times and places as the President may direct, or in lumber such as may be used on the road, to be received and approved by the President and Managers, or under their direction.

Calls on stock.

Subscriptions may be paid in work.

SEC. 5. The President and Managers shall have power to locate and lay out said road, and to receive releases for the right of way, which shall be taken in writing, and after said road shall have been marked out and located, no action at law shall be maintained against said company for damages done, or for recovery of the ground over which the road may pass, unless the same be brought within twelve months from the time said company, or their contractors, may commence working on said land.

President and Managers to lay out road and receive relinquishments of right of way.

SEC. 6. The said company may construct the road on such grade of elevation as they may think best, and shall grade the road not exceeding thirty feet wide, which may be reduced in a side cut in a hill or in any street. The plank part shall be made not less than eight feet wide for a single track, and not less than sixteen feet wide for a double track, and constructed of plank not less than three inches thick and eight feet long, and of longitudinal sills or sleepers not less than four inches square. It shall be the privilege of each individual through whose land the road may pass, and who may subscribe stock, to work out the value of his stock through his land at the estimated prices for the labor to be done, or he shall have the preference, at the lowest bid, to pay said stock in labor on the same terms.

Grade of road to be fixed.

SEC. 7. The company may have a toll gate every five miles, or so arranged as to average a gate for each five miles on said road; and may, when said road is graded, set up said gates, and so regulate the tolls as not to produce a greater dividend than three per cent. per annum; and when five continuous miles shall be completed, the tolls on such part may be increased as to yield six per cent. per annum: *Provided*, that should said company place their gates ten or fifteen miles apart, they may charge double or treble toll at each gate.

Toll gate to be erected for each five miles.

SEC. 8. The President, Managers, and Treasurer, from

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time to time elected, shall take an oath well and truly to discharge the duties of their respective offices.

Trustees of
Hopkinsville
may take stock
in roads.

SEC. 9. That the Board of Trustees of the town of Hopkinsville, may, on behalf of said town, subscribe for any amount of stock in the Hopkinsville and Green River Plank Road Company, not exceeding fifteen thousand dollars, and they shall subscribe, raise, and pay said subscription, in like manner and upon like terms and conditions as is provided for the subscribing, raising, and paying to the Hopkinsville and Cumberland River Railroad Company, by an act, entitled, "an act to increase the powers of the Trustees of the town of Hopkinsville," approved February 18, 1848: *Provided*, said Trustees shall have the power to direct where such appropriation shall be expended on said road.

President and
Treasurer's books
to be inspected
by Managers.

SEC. 10. The books kept by the President or Treasurer shall, at all times, be subject to the inspection of the Managers, or of any one of them, or of any individual stockholder. The Managers, a majority concurring, may remove the Treasurer from office, upon which they shall immediately advertise a meeting of the stockholders to elect another Treasurer.

-General cor-
porate powers
and privileges.

SEC. 11. That as soon as the company is organized, the President, Managers, and other officers, shall possess all the powers, authority, rights, and privileges, and may do all other things necessary for laying out, locating, carrying on, and completing said road, and shall be subject to all the duties, qualifications, restrictions, penalties and forfeitures, (if any,) and shall be entitled to like tolls and profits as are given, granted, and prescribed, in the acts incorporating the Paris and Winchester, and Kentucky River Turnpike Road Company, except so far as the same may come in collision with the foregoing section; and the provisions of said act, so far as it relates to the said Paris, Winchester, and Kentucky River Turnpike Road Company, are hereby enacted as part hereof, so far as they are not local in their application, or may conflict with the foregoing sections.

May make a
McAdamized or
gravel road.

SEC. 12. That if, after the organization of this company, they shall deem it prudent to make a McAdamized or gravel road instead of a plank road, over any part of the proposed route, they are hereby empowered so to do, with the capital stock above prescribed, and with the above granted privilege of increasing said capital stock, as found necessary, and under all the responsibilities, restrictions, and privileges, imposed and conferred upon the Paris, Winchester, and Kentucky River Turnpike Road Company, in the act incorporating the same.

President and
Managers may
obtain aid of the
Superintendent

SEC. 13. The President and Commissioners of this road are hereby authorized to call upon the superintendent or engineer upon the Green or Barren River Navigation for his aid and assistance in locating or surveying, or in caus-

ing to be located or surveyed, the said road; and any expense incurred by said engineer or superintendent shall be charged to the Green and Barren River Navigation, as in the case of repairs of said improvement.

SEC. 14. That the Christian County Court may subscribe stock in said company, by an order directing its Clerk to make such subscription, and the same, when made, shall be obligatory on said county; and to enable said county to pay such subscription, when made, said court is hereby empowered to levy a tax on the lands and all the estate in said county, subject to State revenue, not to exceed six cents on the one hundred dollars worth of property in any one year; and said tax, when levied, shall be collected by the Sheriff of said county, and by him paid over to the county Treasurer, on or before the first day of January next succeeding the year in which the same is levied and to be paid; and the county Treasurer shall pay the same at such times and in such manner and amounts as shall be required of him by the President and Managers of said company: *Provided*, that said County Court shall not subscribe for stock in said road, unless by a vote of the qualified voters of said county or a majority of those voting shall instruct the court to make the subscription; said vote to be taken at any annual election that said County Court may direct, upon a poll being opened therefor: *And, provided further*, that said County Court shall have the power to direct on what part of said road the money, so subscribed, shall be expended.

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of Green and
Barren rivers.

Christian C'ty
Court may take
stock.

Vote of county
to be taken on
subscription of
stock.

Approved March 5, 1850.

CHAPTER 382.

AN ACT to charter the Louisville and Nashville Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Col. Thomas Anderson, James S. Speed, James Guthrie, Levin L. Shreve, and William F. Bullock, of the city of Louisville; Robert N. Miller, Joshua F. Speed, David Meriwether, Thomas S. Camp, and Edward D. Hobbs, of the county of Jefferson; J. G. Guthrie, C. D. Shean, Daniel K. Haycraft, S. B. Thomas, John Cofer, John L. Helm, and George L. Miles, of the county of Hardin; George T. Wood, David Highbaugh, Thomas Lafferty, William Lewis, J. B. Cobb, O. G. Waggener, W. H. Powell, Aden Combs, and George Garland House, of the county of Hart; Israel A. Cook, William Ford, Ambrose Kirtley, W. C. Lucas, and A. M. Barret, of the county of Edmonson; Samuel Murrell, Henry Grider, John B. Helm, Warner L. Underwood, Thomas Quigley, and Benjamin C. Smith, of the county of Warren; John Hoy, Noah Hampton, Standford Dances, W. H. McGoodwin, L. Finn,

Names of com-
missioners to
open books.

1850.

Name & style
of company.

Commission-
ers to give
notice of opening
books.

Books may be
kept open.

and William H. Wooten, of the county of Simpson : R. F. Samuels, R. H. Field, H. F. Kalfus, H. C. Thomas, N. C. Summers, W. R. Thompson, N. P. Sanders, and W. B. Hamilton, of the county of Bullitt; C. Nourse, Jos. Brown, D. S. Howell, C. P. Matingly, J. M. Doom, E. B. Smith, G. W. Hite, James M. Brown, S. Johnson, John H. Talbott, T. W. Riley, and T. P. Linthicum, of the county of Nelson; S. W. D. Stone, J. H. Rodman, John Duncan, W. P. Read, W. L. Morris, W. Howell, and J. P. Hamilton, of the county of Larue; A. Watkins, J. G. Hardy, P. J. Kirtley, G. W. Trabue, F. Gorin, A. Trigg, R. Murrell, John T. Rogers, James Page, W. E. Munford, J. P. Bates, and W. J. Wood, jr., of the county of Barren; John H. Page, W. F. Evans, A. A. Harvey, Samuel Carpenter, Walter Thomas, R. J. Foster, James C. Mulligan, and James Stark, of the county of Allen; Josiah Brummell, John Barret, W. B. Allen, Woodson Williams, and Peter Anderson, of the county of Green; A. Hoskins, R. Calvin, Alfred Hazlewood, A. F. Gowdy, Ignatius Abell, and W. N. Marshall, of the county of Taylor; be and they are hereby appointed commissioners, under the direction of whom, or any three of them, in each of said counties and city aforesaid, subscriptions may be received to the capital stock of the Louisville and Nashville Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such time, and may adjourn to such places, as they may deem expedient; and if such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or a majority of them, may cause the said books to be opened and kept open, from time to time, and at such places as may seem expedient, for the space of two years thereafter, or until the sum necessary for the incorporation shall be subscribed: *Provided*, that any subscription, tendered at any time or place other than that advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the time or place advertised; and if any of said commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved on them by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them, of the county for which the said commissioner, so not acting, was appointed a commissioner.

SEC. 2. *Be it further enacted*, That the capital stock of said Louisville and Nashville Railroad Company shall be three millions of dollars, in shares of one hundred dollars

each, which may be subscribed for by any individual or corporation; and as soon as three thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Louisville and Nashville Railroad Company, and, by that name, shall be capable of purchasing, holding, selling, leasing, and conveying, real estate, not exceeding ten thousand acres, and personal and mixed estate, so far as the same shall be necessary for the purposes of their incorporation, and no farther; and shall have perpetual succession, and, by said corporate name, shall sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do.

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Name & style,
powers, &c.

SEC. 3. *Be it further enacted*, That if more than thirty thousand shares shall be subscribed to the capital stock of said company, the said commissioners, or a majority of them, shall reduce, by striking off in succession from the largest number of shares, subscribed by single individuals or corporations, until the subscriptions shall be reduced to thirty thousand shares, so as to equalize the stockholders, as far as may be.

Over subscrip-
tion of stock to
be reduced.

SEC. 4. *Be it further enacted*, That at every subscription of stock, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, either in money or a note, negotiable and payable at some Bank in the State, as said commissioners may elect, at sixty days date, or longer, at the option of the commissioners or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times, as may be required by the Board of Directors of said company: *Provided*, that no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by said Board of Directors, by a publication in one or more of the newspapers published in Louisville, Bardstown, Glasgow, Elizabethtown and Bowlinggreen; nor shall more than twenty-five per cent. of each share of stock be called for in any one year; but if the exigences of the company should require the payments of the stock to be made more rapidly than is provided for herein, or should the Board of Directors, or a majority of the whole number elected, consider it expedient, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding five hundred thousand dollars; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action, in the name of said corporation, against such defaulting sub-

Payments to
be made on
stock when sub-
scribed.Calls on stock,
notice to be giv-
en.

1850.

scriber, before any tribunal having jurisdiction of such cases; and in all such actions, publication, as directed in this section, shall be the only demand necessary to be proved; or, in case such failure or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time the same shall be due and payable, the Board of Directors may, in their discretion, order that the same shall be forfeited to the company, and they may, also, sell it for the benefit of the company, if they think proper; but the said Board of Directors, by a majority of the whole board, may remit any such forfeiture, on such terms as they may think proper: *And, provided further*, that it shall be lawful to receive subscriptions to the capital stock of this company, payable in contracts, well secured, to build such parts of the road, or to perform such work in the construction thereof, as may be accepted by the company.

If stock not
subscribed in 10
years, charter
void.

SEC. 5. *Be it further enacted*, That if the subscription, herein made necessary to the incorporation of said company, shall not be obtained within ten years after the first opening of the books by the Commissioners under this act, then this act, and all the subscriptions under it, shall be null and void; and said Commissioners shall, after discharging the expenses of opening the books, return the residue of the money, paid in upon the subscriptions, to the several subscribers, in proportion to the sums respectively paid by each.

Meeting of
stockholders to
be called, and
officers elected.

SEC. 6. *Be it further enacted*, That, at the expiration of the period for which the books are first opened, if two thousand shares of the capital stock shall have been subscribed, or, if not, as soon thereafter as the same shall be subscribed, if within ten years after the first opening of said books, said Commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof in some one or more of the newspapers published in Louisville, Bardstown, Glasgow, Elizabethtown and Bowlinggreen; and at such meeting, said Commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, then present, shall have the power to elect, from among the stockholders, seven Directors, by ballot, to manage the affairs of said company; and these seven Directors, or a majority of them, shall have the power to elect a President of said company, either from among the Directors or any other stockholder, and of allowing such compensation for his services as they may think proper; and in such election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote

President, his
salary.

for every share owned by it, him or her; and every stockholder may, in writing, depute any other person to vote and act as its, his or her proxy; and the Commissioners aforesaid, or any three or more of them, shall be the judges of said first election of Directors.

1850.

SEC. 7. *Be it further enacted*, That, to continue the succession of the President and Directors of said company, seven Directors shall be chosen annually on the first Monday in June, every year, by the stockholders of said Company, at such place as the President and Directors may designate: *Provided*, that after the first election, the said President and Directors may change the time and place of holding all subsequent elections, upon publishing such change not less than thirty days prior to the election, in the papers aforesaid; and that the Directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a President of said company, either from among the Directors or any other stockholder, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur, by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacancy for the year shall be appointed by the President and Directors of said company, or a majority of them; and that the President and Directors of the company shall hold and exercise their offices until a new election of President and Directors; and that all elections which are, by this act or by the by-laws of said company, to be made at a particular time, if not made at such time, may be made in thirty days thereafter, upon notice publicly given.

Annual elections of Directors to be held.

Vacancies to be filled.

SEC. 8. *Be it further enacted*, That a general meeting of the stockholders of said company may be called, at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in one or more newspapers published in Louisville, Bardstown, Glasgow, Elizabethtown and Bowlinggreen; and when any such meetings are called by the stockholders, such notice shall specify the object of the call; and if, at any such called meetings, a majority, in value, of the stockholders are not present, in person or by proxy, the same shall be adjourned, from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders, having a majority, in value, of the stock subscribed, do not attend, such meeting shall be dissolved.

General meeting of stockholders may be called.

SEC. 9. *Be it further enacted*, That, at the regular annual meeting of the stockholders of said company, it shall be the duty of the President and Directors in office for the prece-

Annual reports to be made by President and Directors.

1850.

ding year to exhibit a clear and distinct account of the affairs of the company; that at any called meeting of the stockholders, a majority, in value, of the holders of the stock subscribed being present, may demand and require similar statements from the President and Directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders in said company, a majority of them, in value, may remove from office the President or any of the Directors, and fill up the vacancies, thus made, in the same manner that they could do at their stated annual meetings.

President and
Directors
take oath.

SEC. 10. *Be it further enacted*, That the President and Directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said President and Directors, or a majority of them, or a majority, in value, of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or appoint a Treasurer of said company, and to require and take of him such bond, in such penalty, and with such securities, as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all such moneys as may come to his hands, and with such other conditions as may be prescribed; upon which said bond recovery may be had, for a breach of the conditions thereof, by suit, in the name of said company, in any court having jurisdiction thereof.

Treasurer ap-
pointed, to give
bond.

May re-open
books for sub-
scription.

SEC. 11. *Be it further enacted*, That if any of the stock created by this act shall remain unsubscribed until after the election of the President and Directors, as provided for in the sixth section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock which may remain untaken or unsubscribed for, or to sell or dispose of such untaken stock, for the benefit of the company, not under its par value; and the subscribers or purchasers of said stock shall have all the rights of original subscribers, and subject to the same regulations.

President and
Directors to ap-
point all neces-
sary officers,
prescribe their
duties, &c.

SEC. 12. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, agents, or servants, as they may deem expedient for the business of the company, and they may remove any of them at pleasure; that they, or a majority of them, may determine, by contract, the pay of such officers, agents and servants, and regulate, by by-laws, the manner of adjusting all accounts against the company; that they shall have power to erect ware-houses, work-shops, depots, and all other buildings necessary for the transaction of the business of the company; that they shall have power to direct and regulate in what manner, and by what evidence, stock

in said company may be transferred ; and to pass all by-laws which they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act : *Provided*, the same shall not be contrary to the laws of the United States or of this State.

1850.

SEC. 13. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said company, or a majority of them, to increase the same, by the addition of as many shares as they may deem necessary, not exceeding one million of dollars, giving notice as hereinbefore prescribed.

Capital stock may be increased.

SEC. 14. *Be it further enacted*, That the President and Directors of said company are hereby vested with all powers and rights necessary to the construction of a Railroad from the city of Louisville to the Tennessee line, in the direction of Nashville, the route, to be by them selected and determined, not exceeding sixty-six feet wide, with as many sets of tracks as they may deem necessary ; and that they may cause to be made contracts with others for making said Railroad, or any parts of it ; and that they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate, any land which may be wanted for the site of said road, or the erection of warehouses or other structures or works necessary to said road and its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances ; and they may build bridges, and construct tunnels : *Provided*, the same do not obstruct the navigation on navigable streams ; may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone, or other material, which may be useful or necessary for the proper construction, completion or repair of said road.

General powers & privileges.

SEC. 15. *Be it further enacted*, That the President and Directors of said company, or a majority of them, or their authorized agents, may agree with the owner of any land, earth, timber, or stone, or any other materials, or any improvements, which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or the use and occupation of the same ; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, where such land or materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant, under his hand, directed to the Sheriff of such county, requiring him to summon a jury of twenty inhabitants, not related, or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less

May agree with owners of land for right of way, &c.

Land and materials may be condemned, and how.

1880.

than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said Sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, or, if not present by agent or otherwise, the Sheriff then for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of the said property, required by the company; and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner, from conducting said road by, through, or near, the property of said owners, but only in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the Sheriff to the Clerk of his county, and by such Clerk shall be filed in his office, and shall be confirmed by the court of said county, at its next session, if no sufficient cause to the contrary be shown; and, when so confirmed, shall be recorded by said Clerk, at the expense of said company; but, if set aside, the court may direct another inquisition to be taken, in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or his, her or their legal representatives, or to the Clerk of the county in which said inquest is held, for their use, when said owners, &c., do not reside in said county, shall entitle said company to the estate, and interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may, at any time thereafter, be received from the company, without costs, by the owner or owners, his or their legal representatives or heirs.

Shall construct road so as not to obstruct other roads, &c.

Wagon ways to be provided for owners of lands, &c.

Sec. 16. *Be it further enacted*, That whenever, in the construction of said road or roads, it shall be necessary to intersect any other established road or way, it shall be the duty of said President and Directors so to construct said road across such road or way as not to impede the passage of persons or property along the same; or where it shall be necessary to pass through the land of any person, it shall, also, be their duty to provide for such person proper wagon ways across said Railroad, from one part of the land to the other; and if said company shall fail to provide proper wagon ways across said road, as provided in this section, it shall be lawful for any person to sue said company, and

be entitled to such damages as a jury may think him or her entitled to, for such neglect.

1860.

SEC. 17. *Be it further enacted*, That whenever it shall be necessary for said company to have, use, or occupy, any land, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the President and Directors of said company, or their agents, or those contracting with them for working or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, (formed in the manner herein before prescribed in those cases where the property is to be changed or altered, by admixture with other substances, before such alteration is made,) and that it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation, or the payment of said valuation.

May take and use land & materials, having them valued.

SEC. 18. *Be it further enacted*, That the President and Directors shall have power to purchase, with the funds of said company, and place on any railroads constructed by them, under this act, all machines, wagons, vehicles, or carriages of any kind, which they may deem proper, for the purposes of transportation on said road; and that they shall have the power to charge, for tolls, and the transportation of persons, merchandise, and property of any kind whatever, transported along said railway, any sum not exceeding the following rates, to-wit: on all goods, merchandise, or property, for every one hundred pounds transported over twenty miles and under fifty miles, three and a half mills for each mile; and for persons, and every species of live stock, and every other description of freight and property, they shall charge no greater rate than is authorized to be charged on the railway from Lexington to Frankfort; that it shall not be lawful for any other company, or any other person or persons, to travel upon or use any of the roads of said company, or to transport persons or property thereon, without the license and permission of the President and Directors thereof; and that the said road or roads, with all their works, improvements, or profits, and all the carriages, vehicles, and machinery for transportation, used therein, and all other species of property thereunto belonging, are hereby vested in said company, incorporated by this act, and their successors, forever; and shall never be taxed beyond the rate of tax imposed upon real estate, estimated upon the prime cost of the proposed works; nor will the Legislature of this Commonwealth, for the space of thirty years, authorize any other railroad to be laid down on a parallel

May buy or construct cars, wagons, machinery, &c.

1850.

line with the one located by this company, extending from Louisville to the Tennessee line, approaching nearer than ten miles: *Provided*, full power is hereby reserved to this State to incorporate, hereafter, a company or companies to build a railroad or railroads, and that any and all such railroad or railroads, hereafter constructed, may connect and join with the road hereby contemplated; and full right and privilege is hereby reserved to the State, or individuals, or any company heretofore or hereafter incorporated, by law of this State, to cross this road, provided any other railroad connecting with the road hereby provided for shall lead from the main route and diverge therefrom at an angle of twenty degrees or more: *Provided*, that in forming such connection, or in crossing said road, no injury be done to the works of the company hereby incorporated; and that nothing in this act shall be so construed as to deprive any subsequent Legislature of the power to authorize the "Kentucky and Mississippi Railroad Company" to extend their said road from Hopkinsville to Louisville, or of the power; at any time hereafter, of incorporating a company to construct a railroad from Louisville to some point upon the Mississippi river in this State.

Other companies may be incorporated to construct their roads with this, &c.

Dividends to be declared.

SEC. 19. *Be it further enacted*, That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper, of the net profits arising from the resources of said company after deducting the necessary current and probable contingent expenses; and that they shall divide the same among the stockholders of said company, in proportion their respective shares.

Penalty for injury to road and fixtures.

SEC. 20. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of any railroads, or road, constructed for said company, under this act, or any of their works, buildings, carriages, vehicles, or machinery, such person or persons shall, for every such offence, forfeit and pay to the said company a sum not exceeding five hundred dollars, recoverable, in the name of said company, by an action of debt in the Circuit Court of the county wherein such offence shall be committed; and shall, also, be subject to indictment by the Grand Jury of said county, in said Court, and, upon conviction of such offence, be imprisoned in the jail thereof, and in the Penitentiary, not less than six months nor more than four years, in the discretion of a Jury.

When 5 miles finished, may run cars, &c.

SEC. 21. *Be it further enacted*, That, so soon as the company shall have completed five miles of their route, they may commence and prosecute their business, upon the terms and upon the stipulations herein provided, as though the whole work was completed.

SEC. 22. *Be it further enacted*, That the corporation of the city of Louisville, and the County Courts of the coun-

ties of Jefferson, Bullitt, Nelson, Larue, Barren, Allen, Green, Taylor, Hardin, Hart, Edmonson, Warren, and Simpson, and of any other counties through which this road may pass, a majority of all the members of the Board of Councilmen of said city, and of the County Courts of said counties, concurring therein, be and they are hereby authorized to subscribe, for and on behalf of said city and counties, as many shares in the capital stock of said railroad as to them may seem expedient, and to levy the sum, so subscribed, on the taxable property of said city or counties; and the better to ascertain the public sentiment of said city and counties, in reference to the propriety of said subscriptions of stock, herein authorized, said Board of Councilmen and County Courts are hereby authorized, if by them deemed expedient, in such manner as they may direct and prescribe, to submit the same to a vote of the qualified voters of said city and counties, respectively.

1850.

City of Louisville and certain counties may take stock.

Vote of people to be taken on tax for stock.

Approved March 5, 1850.

CHAPTER 383.

AN ACT to amend the charter of the Beaver Dam Pond Draining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled, "an act to incorporate the Beaver Dam Pond Draining Company," approved January 22, 1849, as authorizes the said company to lay or collect a tax on any land lying at a greater distance than one mile from said ponds, be and the same is hereby repealed.

Approved March 5, 1850.

CHAPTER 384.

AN ACT for the benefit of John Fible.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Fible, of Oldham county, be and he is hereby released from all liability incurred in the execution of a bond to the Commonwealth for the return of public arms.

Approved March 5, 1850.

CHAPTER 385.

AN ACT to charter the Bowlinggreen and Tennessee Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That J. K. McGoodwin, W. H. Smith, J. R. Skiles, Atwood G. Hobson, E. M. Covington, Jesse Bunch, W. N. Merritt, J. C. Wilkins, W. V. Loving, J. T. Donaldson, George B. Adams, Jonathan Carpenter, of the county of Warren; R. Salmons, C. Green, John

Com's names.

1850.

Name & style
of company.Com'rs to
give notice of
opening of the
booksBooks may be
kept open.

Hail, S. Hatfield, George Mülkin, P. H. Boisseau, W. B. Jones, B. L. Clark, and W. Moore, of the county of Simpson, be and they are hereby appointed Commissioners, under the direction of whom, or any three of them, in each of said counties, subscriptions may be received to the capital stock of the Bowlinggreen and Tennessee Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such time, and may adjourn to such places, as they may deem expedient; and if such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said Commissioners, or a majority of them, may cause the said books to be opened and kept open, from time to time, and at such places as may seem expedient, for the space of two years thereafter, or until the sum necessary for the incorporation shall be subscribed: *Provided*, that any subscription, tendered at any time or place other than that advertised by said Commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the time or place advertised; and if any of said Commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved on them by this act, another may be appointed in his stead by the remaining Commissioners, or a majority of them, of the county for which the said Commissioner, so not acting, was appointed a Commissioner.

Capital stock.

Name & style,
powers, &c.

SEC. 2. *Be it further enacted*, That the capital stock of said Railroad Company shall be one million of dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation; and as soon as one thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Bowlinggreen and Tennessee Railroad Company, and, by that name, shall be capable of purchasing, holding, selling, leasing, and conveying, real estate, not exceeding ten thousand acres, and personal and mixed estate, so far as the same shall be necessary for the purposes of their incorporation, and no farther; and shall have perpetual succession, and, by said corporate name, shall sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do.

SEC. 3. *Be it further enacted*, That if more than ten

thousand shares shall be subscribed to the capital stock of said company, the said Commissioners, or a majority of them, shall reduce, by striking off in succession from the largest number of shares, subscribed by single individuals or corporations, until the subscriptions shall be reduced to ten thousand shares, so as to equalize the stockholders, as far as may be.

1850.

Over-subscription of stock to be reduced.

SEC. 4. *Be it further enacted*, That at every subscription of stock, there shall be paid, at the time of subscribing, to the said Commissioners, or their agents appointed to receive such subscriptions, either in money or a note, negotiable and payable at some Bank in the State, as said Commissioners may elect, at sixty days date, or longer, at the option of the Commissioners or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times, as may be required by the Board of Directors of said company: *Provided*, that no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by said Board of Directors, by a publication in one or more of the newspapers published in Bowlinggreen; nor shall more than twenty five per cent. of each share of stock be called for in any one year; but if the exigencies of the company should require the payments of the stock to be made more rapidly than is provided for herein, or should the Board of Directors, or a majority of the whole number elected, consider it expedient, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding five hundred thousand dollars; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action, in the name of said corporation, against such defaulting subscriber, before any tribunal having jurisdiction of such cases; and in all such actions, publication, as directed in this section, shall be the only demand necessary to be proved; or, in case such failure or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time the same shall be due and payable, the Board of Directors may, in their discretion, order that the same shall be forfeited to the company, and they may, also, sell it for the benefit of the company, if they think proper; but the said Board of Directors, by a majority of the whole board, may remit any such forfeiture, on such terms as they may think proper: *And, provided further*, that it shall be lawful to receive subscriptions to the capital stock of this company, payable in contracts, well secured, to build such parts of the road, or to perform such work in the construction thereof, as may be accepted by the company.

Payments to be made on stock when subscribed.

Calls on stock notice to be given.

1850.

If stock not
subscribed in 10
years, charter
void.

SEC. 5. *Be it further enacted*, That if the subscription, herein made necessary to the incorporation of said company, shall not be obtained within ten years after the first opening of the books by the Commissioners under this act, then this act, and all the subscriptions under it, shall be null and void; and said Commissioners shall, after discharging the expenses of opening the books, return the residue of the money, paid in upon the subscriptions, to the several subscribers, in proportion to the sums respectively paid by each.

Meeting of
stockholders to
be called and
officers elected.

SEC. 6. *Be it further enacted*, That, at the expiration of the period for which the books are first opened, if one thousand shares of the capital stock shall have been subscribed, or, if not, as soon thereafter as the same shall be subscribed, if within ten years after the first opening of said books, said Commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof in some one or more of the newspapers published in Bowlinggreen; and at such meeting, said Commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, then present, shall have the power to elect, from among the stockholders, seven Directors, by ballot, to manage the affairs of said company; and these seven Directors, or a majority of them, shall have the power to elect a President of said company, either from among the Directors or any other stockholder, and of allowing such compensation for his services as they may think proper; and in such election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by it, him or her; and every stockholder may, in writing, depute any other person to vote and act as its, his or her proxy; and the Commissioners aforesaid, or any three or more of them, shall be the judges of said first election of Directors.

President, his
salary.

Annual elec-
tions of Direct-
ors to be held.

SEC. 7. *Be it further enacted*, That, to continue the succession of the President and Directors of said company, seven Directors shall be chosen annually on the first Monday in June, every year, in the town of Bowlinggreen, by the stockholders of said company: *Provided*, that after the first election, the said President and Directors may change the time and place of holding all subsequent elections, upon publishing such change not less than thirty days prior to the election, in the papers aforesaid; and that the Directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a President of said company, either from among the Directors or any other stockholder, and to allow him such compensation for his services as they may deem proper; and if any

1850.

vacancy shall occur, by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacancy for the year shall be appointed by the President and Directors of said company, or a majority of them; and that the President and Directors of the company shall hold and exercise their offices until a new election of President and Directors; and that all elections which are, by this act or by the by-laws of said company, to be made at a particular time, if not made at such time, may be made in thirty days thereafter, upon notice publicly given.

Sec. 8. *Be it further enacted*, That a general meeting of the stockholders of said company may be called, at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in one or more newspapers published in Bowlinggreen; and when any such meetings are called by the stockholders, such notice shall specify the object of the call; and if, at any such called meetings, a majority, in value, of the stockholders are not present, in person or by proxy, the same shall be adjourned, from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders, having a majority, in value, of the stock subscribed, do not attend, such meeting shall be dissolved.

General meeting of stockholders may be called.

Sec. 9. *Be it further enacted*, That, at the regular annual meeting of the stockholders of said company, it shall be the duty of the President and Directors in office for the preceding year to exhibit a clear and distinct account of the affairs of the company; that at any called meeting of the stockholders, a majority, in value, of the holders of the stock subscribed being present, may demand and require similar statements from the President and Directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders in said company, a majority of them, in value, may remove from office the President or any of the Directors, and fill up the vacancies, thus made, in the same manner that they could do at their stated annual meetings.

Annual reports to be made by President and Directors.

Sec. 10. *Be it further enacted*, That the President and Directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said President and Directors, or a majority of them, or a majority, in value, of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or appoint a Treasurer of said company, and to require and take of him such bond, in such penalty, and

President and Directors take oath.

Treasurer appointed, to give bond.

1850.

with such securities, as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all such moneys as may come to his hands, and with such other conditions as may be prescribed; upon which said bond recovery may be had, for a breach of the conditions thereof, by suit, in the name of said company, in any court having jurisdiction thereof.

May re-open
books for sub-
scription.

SEC. 11. *Be it further enacted*, That if any of the stock created by this act shall remain unsubscribed until after the election of the President and Directors, as provided for in the sixth section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock which may remain untaken or unsubscribed for, or to sell or dispose of such untaken stock, for the benefit of the company, not under its par value; and the subscribers or purchasers of said stock shall have all the rights of original subscribers, and subject to the same regulations.

President and
Directors to ap-
point all neces-
sary officers,
prescribe their
duties, &c.

SEC. 12. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, agents, or servants, as they may deem expedient for the business of the company, and they may remove any of them at pleasure; that they, or a majority of them, may determine, by contract, the pay of such officers, agents and servants, and regulate, by by-laws, the manner of adjusting all accounts against the company; that they shall have power to erect ware-houses, work-shops, depots, and all other buildings necessary for the transaction of the business of the company; that they shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred; and to pass all by-laws which they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act: *Provided*, the same shall not be contrary to the laws of the United States or of this State.

Capital stock
may be increas-
ed.

SEC. 13. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said company, or a majority of them, to increase the same, by the addition of as many shares as they may deem necessary, not exceeding one million of dollars, giving notice as hereinbefore prescribed.

General pow-
ers & privileges.

SEC. 14. *Be it further enacted*, That the President and Directors of said company are hereby vested with all powers and rights necessary to the construction of a railroad from the town of Bowlinggreen to the Tennessee line, in the direction of Nashville, the route, to be by them selected and determined, not exceeding sixty six feet wide, with as many sets of tracks as they may deem necessary; and that they may cause to be made contracts with others for making said

railroad, or any parts of it; and that they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate, any land which may be wanted for the site of said road, or the erection of warehouses or other structures or works necessary to said road and its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances; and they may build bridges, and construct tunnels: *Provided*, the same do not obstruct the navigation on navigable streams; may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone, or other material, which may be useful or necessary for the proper construction, completion, or repair of said road.

SEC. 15. *Be it further enacted*, That the President and Directors of said company, or a majority of them, or their authorized agents, may agree with the owner of any land, earth, timber, or stone, or any other materials, or any improvements, which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert* under age, *non compos mentis*, or out of the county in which the property wanted may lie, where such land or materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant, under his hand, directed to the Sheriff of such county, requiring him to summon a jury of twenty inhabitants, not related, or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said Sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, or, if not present by agent or otherwise, the Sheriff then for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of the said property, required by the company; and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner, from conducting said road by, through, or near, the property of said owners, but only in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the Sheriff to the Clerk of his county, and by such Clerk shall be filed in his office, and shall be confirmed by the

1850.

May agree with owners of land for right of way, &c.

How land & materials may be condemned.

1850.

Court of said county, at its next session, if no sufficient cause to the contrary be shown; and, when so confirmed, shall be recorded by said Clerk, at the expense of said company; but, if set aside, the Court may direct another inquisition to be taken, in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or his, her or their legal representatives, or to the Clerk of the county in which said inquest is held, for their use, when said owners, &c., do not reside in said county, shall entitle said company to the estate, and interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same: and the valuation of the same, if not received when tendered, may, at any time thereafter, be received from the company, without costs, by the owner or owners, his or their legal representatives or heirs.

Shall construct road so as not to obstruct other roads, &c.

Wagon ways to be provided for owners of land.

SEC. 16. *Be it further enacted*, That whenever, in the construction of said road or roads, it shall be necessary to intersect any other established road or way, it shall be the duty of said President and Directors so to construct said road across such road or way as not to impede the passage of persons or property along the same; or where it shall be necessary to pass through the land of any person, it shall, also, be their duty to provide for such person proper wagon ways across said railroad, from one part of the land to the other; and if said company shall fail to provide proper wagon ways across said road, as provided in this section, it shall be lawful for any person to sue said company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect.

May take and use land & materials, having them valued.

SEC. 17. *Be it further enacted*, That whenever it shall be necessary for said company to have, use, or occupy, any land, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the President and Directors of said company, or their agents, or those contracting with them for working or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, (formed in the manner herein before prescribed in those cases where the property is to be changed or altered, by admixture with other substances, before such alteration is made;) and that it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation, or the payment of said valuation.

SEC. 18. *Be it further enacted,* That the said President and Directors shall have power to purchase, with the funds of said company, and place on any railroads constructed by them, under this act, all machines, wagons, vehicles, or carriages of any kind, which they may deem proper, for the purposes of transportation on said road; and that they shall have the power to charge, for tolls, and the transportation of persons, merchandise, and property of any kind whatever, transported along said railway, any sum not exceeding the following rates, to-wit: on all goods, merchandise, or property, for every one hundred pounds transported over twenty miles and under fifty miles, three and a half mills for each mile; and for persons, and every species of live stock, and every other description of freight and property, they shall charge no greater rate than is authorized to be charged on the railway from Lexington to Frankfort; that it shall not be lawful for any other company, or any other person or persons, to travel upon or use any of the roads of said company, or to transport persons or property thereon, without the license and permission of the President and Directors thereof; and that the said road or roads, with all their works, improvements, or profits, and all the carriages, vehicles, and machinery for transportation, used therein, and all other species of property thereunto belonging, are hereby vested in said company, incorporated by this act, and their successors, forever; and shall never be taxed beyond the rate of tax imposed upon real estate, estimated upon the prime cost of the proposed works: *Provided*, that should any railroad company undertake to construct a continuous railroad from the city of Louisville to the Tennessee line, in the direction of Nashville, within two years from the passage of this act, such company may elect to take the benefit of this charter, together with the road, works, and machinery, in any wise pertaining to the same, by transferring to the owners of stock in this road, an amount of stock in their road company equal to the prime cost of all the expenditures of this company on its road, &c., up to the time of making said transfer.

1850.
May buy or
construct cars,
wagons, &c.

If continuous
line is con-
structed, may
avail of this
charter.

SEC. 19. *Be it further enacted,* That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper, of the net profits arising from the resources of said company after deducting the necessary current and probable contingent expenses; and that they shall divide the same among the stockholders of said company, in proportion to their respective shares.

Dividends to
be declared.

SEC. 20. *Be it further enacted,* That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of any railroads, or road, constructed for said company, under this act, or any of their

Penalty for in-
jury to road, &c.

1850.

works, buildings, carriages, vehicles, or machinery, such person or persons shall, for every such offence, forfeit and pay to the said company a sum not exceeding five hundred dollars, recoverable, in the name of said company, by an action of debt in the Circuit Court of the county wherein such offence shall be committed; and shall, also, be subject to indictment by the Grand Jury of said county, in said court, and, upon conviction of such offence, be imprisoned in the jail thereof, and in the Penitentiary, not less than six months nor more than four years, in the discretion of a jury.

When 5 miles completed, may run cars, &c.

Sec. 21. *Be it further enacted*, That, so soon as the company shall have completed five miles of their route, they may commence and prosecute their business, upon the terms and upon the stipulations herein provided, as though the whole work was completed.

County Courts of Warren and Simpson may subscribe.

Sec. 22. *Be it further enacted*, That the County Courts of the counties of Warren and Simpson, and of any other counties through which this road may pass, a majority of all the members of the County Courts of said counties concurring therein, be and they are hereby authorized to subscribe, for and on behalf of said counties, as many shares in the capital stock of said railroad as to them may seem expedient, and to levy the sum, so subscribed, on the taxable property of said counties; and the better to ascertain the public sentiment of said counties, in reference to the propriety of said subscription of stock, herein authorized, said County Courts are hereby authorized, if by them deemed expedient, in such manner as they may direct and prescribe, to submit the same to a vote of the qualified voters of said city and counties, respectively.

Vote of people to be given.

Road so constructed as to ensure a continuous run of cars from Louisville to Nashville.

Sec. 23. *Be it further enacted*, That the railroad to be constructed, under the provisions of this charter, shall be so constructed as to allow and ensure a continuous run of a line railroad cars from the city of Louisville to Nashville. That if a company shall be incorporated to construct a railroad from Louisville to Bowlinggreen, the right is reserved to allow such company to fix the terminus of such road at the same point of the terminus at Bowlinggreen, and the company hereby created shall be compelled to receive the cars of the company formed to construct a road from Louisville to Bowlinggreen, so as to allow the cars of such company to make a continuous line from Louisville to Nashville: *Provided*, the charter of a company to construct a road from Louisville to Bowlinggreen shall, by its provisions, allow a reciprocal right to the company hereby created of a continuous line of transportation from Nashville to Louisville, upon such terms as are just and reciprocal. That the company hereby created, and the company which may be created to construct a road from Louisville to Bowlinggreen, shall have the power, upon such terms as may be

Right reserved to company to build a road from Louisville to Bowlinggreen, to fix terminus.

Present company compelled to receive cars of said company.

The two Companies may amalgamate and form but one company.

agreed upon by the President and Managers of the two companies, to contract and agree to an amalgamation of the stock of the two companies, and from thence forward, as one company, they shall have corporate existence, under the name and style of the Louisville and Nashville Railroad Company, and vested with all the powers, not inconsistent in their provisions, as may be conferred by their respective charters. That each of said companies shall have the power to purchase, use, and hold, at the terminus of said roads, land and property sufficient for the construction of warehouses, offices, &c., necessary for the transaction of their business.

1850.

Name & style,
powers, &c.

May purchase
and hold terminus
of roads,
lands, &c.

Approved March 5, 1850.

CHAPTER 386.

AN ACT to amend the charter of the Lebanon, New Market, and Springfield Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Washington and Marion County Courts, a majority of all the Justices of the Peace of the respective counties concurring, to authorize a subscription for stock in the Lebanon, New Market, and Springfield Turnpike Road Company; and, to pay the calls on said stock, said courts shall have power, respectively, to levy and have collected, from time to time, an *ad valorem* tax on the taxable property of the citizens of their respective counties.

Washington
and Marion C'ty
Courts may sub-
scribe, &c.

SEC. 2. That gravel or fine broken stone may be used by said company in constructing the metal part of said road.

Gravel may
be used.

SEC. 3. That persons residing within one and a half miles of the final location of said road, who shall have subscribed and paid for one hundred dollars of stock in said company, shall have exempted one hand from working on the public roads, and one additional hand for every additional one hundred dollars of stock thus subscribed and paid for, while such person shall continue to reside within one and a half miles of said road.

One hand ex-
empted for each
\$100 of stock.

SEC. 4. That the President of the Board of Internal Improvement be and he is hereby directed to appropriate the nett proceeds of the Muldrow's Hill Turnpike Road to the subscription of stock on the part of this State, in the Lebanon, New Market, and Springfield Turnpike Road, to be paid as called for by the Managers of said company. This act to take effect, as to this section, only on condition that the work on said road is actually commenced in the year 1850; and is, in no event, to exceed the nett proceeds on said road for the years 1850, 1851, 1852, 1853, 1854, and 1855.

President B.
Int. Imp. may
appropriate pro-
ceeds of Mul-
drow's hill road
to the Lebanon
road, &c.

Approved March 5, 1850.

LAWS OF KENTUCKY.

1850.

CHAPTER 387.

AN ACT granting to the city of Covington an additional Constable, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the city of Covington shall be entitled to three Constables, instead of two, as provided in the charter of said city—all of whom shall reside within the corporate limits of said city.

SEC. 2. *Be it further enacted*, That Traverse Read, who has been appointed a Constable for Allen county, in the district including the town of Scottsville, be and he is hereby permitted to reside within three miles of the limits of said town.

SEC. 3. *Be it further enacted*, That the official acts of Isaac Fields, a Constable of Letcher county, be and the same are hereby legalized.

Approved March 5, 1850.

CHAPTER 388.

AN ACT to incorporate the Dry Creek and Bullock-pen Turnpike Road Company.

Corporate
name & style.

Purpose of in-
corporation.

Capital stock:

Books when,
where, and how
opened.

Com'rs.

Obligation of
subscribers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be and is hereby formed, and created a body politic and corporate, by the name and style of the Dry Creek and Bullock-pen Turnpike Road Company, for the purpose of making a turnpike road, on the McAdams plan, from the Lexington and Covington Turnpike road, near gate No. 2 on said road, to unite with the Bank Lick Turnpike road near the mouth of the Bullock-pen fork of Bank Lick creek.

SEC. 2. That the capital stock of said company shall be six thousand dollars, to be divided into shares of fifty dollars each.

SEC. 3. That books for the subscription of stock shall be opened at the house of Thomas R. Lindsay, under the direction of the following gentlemen as commissioners, to-wit: Thomas R. Lindsay, Thomas G. Tupman, Henry M. Buckner, John W. Leathers, William Perry, John W. Griffith, and David Lindsay, on the first Saturday in March, 1850, or as soon thereafter as may be convenient, and to continue open at the discretion of the commissioners aforesaid.

SEC. 4. The subscribers shall, in the book of the Commissioners, enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, do, respectively, promise to pay the President and Directors of the Dry Creek and Bullock-pen Turnpike Road Company fifty dollars for each share of stock set opposite to our respective names, at such times as we may therein designate, and

pay the same in such proportions, and at such times, as the said President and Directors may require, after the same becomes due and payable. Witness our hands this _____ day of _____," which amounts shall be collected in the proper courts.

SEC. 5. So soon as three thousand dollars is subscribed to the capital stock of said Company, it shall be the duty of the commissioners named in the third section of this act, to give notice in such manner as they may think proper for a meeting of the stockholders, at such time and place as they may designate, for the purpose of electing a President and five Directors; and one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are duly elected. The time and place for elections, after the first, shall be fixed by the President and Directors, for the time being; a majority of the Board shall be competent to transact business.

SEC. 6. So soon as said company is organized, by the election of officers, the President and Directors shall be a body corporate and politic, in fact and in law, under the name and style of the Dry Creek and Bullock-pen Turnpike Road Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase, or gift, all such lands, tenements, hereditaments, real or personal property, as may be necessary for the prosecution of their work, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and be answered, in any court of law or equity, or elsewhere; also, to have and use a common seal, and generally to do all and any act, matter, or thing, which a corporation may lawfully do, to effect the objects for which this corporation is created.

SEC. 7. *Be it further enacted*, That so much of an act, entitled, an act to incorporate the Warsaw Turnpike Road Company, passed and approved February 12th, 1849, as is embraced in sections 7, 8, 9, 10, and 11, be and the same is hereby re-enacted and adopted as a part of this act, except that part of section ninth, where the name of Gallatin is used in said section, the name of Kenton shall be used in this act: *Provided*, that nothing herein contained shall authorize any subscription of stock upon the part of the State.

SEC. 8. That a toll gate shall be erected on said road at any point designated by the President and Directors, so soon as the road is completed, and the same rates of toll to be charged as are charged on the Lexington and Covington Turnpike Road Company.

1850.

Com'r's to call meeting when 3000 subscribed.

Election of officers; votes how cast.

Term of office.

Elections to be fixed by President and Directors.

Name & style.

Powers.

Provisions of Warsaw charter made applicable.

Toll gate when and where erected.

Approved March 5, 1850.

1850.

CHAPTER 399.

AN ACT to incorporate the Bardstown and Bloomfield Turnpike Road Company.

Incorporated, name & style. **Powers, &c.** **Capital stock.** **Com'rs names.** **Duty of Commissioners.**

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company be and the same is hereby formed, by the name and style of the Bardstown and Bloomfield Turnpike Road Company, and by that name and style shall have corporate existence and be a body politic, and as such, and in that name, may sue and be sued, plead and be impleaded, have and use a common seal. Said company is created for the purpose of constructing a road on the McAdams or plank road plan from Bardstown, in Nelson county, to Bloomfield in said county.

Sec. 2. The capital stock of said road company shall not exceed forty thousand dollars, to be divided into shares of one hundred dollars each, and the persons hereinafter named, or any two of them, shall have power to open books for the subscription of stock, in Bardstown and Bloomfield, and keep them open until a sufficient amount of stock shall have been taken to construct said road.

Elections, how conducted. **Officers, &c.**

Sec. 3. The following persons are hereby appointed Commissioners to receive subscriptions, to-wit: Wilson Bowman, John C. Aud, Thomas S. Speed, J. Wood Wilson, Archibald C. Wilson, Ellis Duncan, William Minor, and Spence Minor; and so soon as one hundred and fifty shares shall have been subscribed, it shall be the duty of said Commissioners, or such of them as may choose to act, to give notice, by publication in any newspaper published in Bardstown, or by posting up notices at two or more public places in Bardstown and Bloomfield, at least ten days, and call a meeting of the stockholders at such time and place as they may elect; at which time said stockholders, or a majority of them having convened, shall proceed to the election of a President and five managers for said road; at which election each stockholder shall have one vote for each share of stock subscribed or owned by him; and when said company shall have been thus organized, they may appoint such officers as they may deem necessary, prescribe their duties, and require them to execute bonds, with good security, conditioned as may be required, and commence the work.

President and Directors, powers to locate, &c.

Sec. 4. The President and Directors shall have power to locate and lay out said road, receive releases for the right of way in writing; and after said road is located and marked out, no action at law or equity shall be maintained against said company for damages done, or the recovery of the ground over which the road may pass, unless the same be commenced within one year from the time said company, or its contractor or contractors, may commence working on said road.

Grade. Sec. 5. The said company may construct said road on a grade not to exceed three degrees in elevation, and it shall

be graded at least twenty-five feet—except on hills and side cuts, where it may be reduced to eighteen feet—the McAdamized or plank road part of said road shall be, at least sixteen feet wide.

1850.

SEC. 6. When five continuous miles of said road shall have been completed, it shall be lawful for said company to put up a gate and exact toll, but no gate to be erected nearer than one mile of Bardstown or Bloomfield; and when said road is completed, two gates may be erected, and no more.

Authorizes gate when five miles completed.

Number of gates.

SEC. 7. It shall be lawful for the County Court of Nelson, a majority of the Justices of the Peace of said county being present and concurring therein, to authorize the subscription of stock in said road, and levy and have collected an *ad valorem* tax on the taxable property in said county, from time to time, as may be required to pay for said stock.

County Courts may subscribe.

SEC. 8. For each share of stock subscribed and paid for by persons residing within two miles of said road, shall exempt, for such person, one hand from working any public road in said county, so long as said stockholder or hands shall reside within said distance of said road.

One hand exempted from working public road for each share of stock.

SEC. 9. The company hereby created shall have all the powers, rights, and privileges, and all necessary power to construct and keep in repair said road, and shall be subject to the like penalties and may impose the same fines as prescribed in an act, and the amendments thereto, entitled, "an act to incorporate the Bardstown and Louisville Turnpike Road Company," except so far as they may conflict with the provisions of this act; and the several amendments thereto, not inconsistent with this, is hereby incorporated and shall constitute a part of this act, in as full, ample, and complete a manner as though herein re-enacted.

Gen'l powers.

SEC. 10. That the State of Kentucky shall not be permitted to subscribe for or own any stock in said road, nor in anywise contribute in its construction.

Approved March 5, 1850.

CHAPTER 390.

AN ACT to amend the charter of the Bank Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President, Directors and Company of said road be and they are hereby authorized to construct five miles of road more than their charter now authorizes, in the same manner, and subject to the same restrictions and privileges as now allowed by law, they being hereby authorized to increase their capital stock for that purpose: *Provided,* that the stock required to build said five miles of

1850. road, and all expenses and liabilities pertaining thereto, together with all proceeds arising therefrom, shall be kept separate and distinct from the stock, expenses, liabilities, and proceedings, of the first ten miles now completed and under contract for completion, as much so, to all intents and purposes, as if the same pertained to two separate and distinct corporations; and all dividends made by said company shall be made according to the spirit and intent of this act.

Approved March 5, 1850.

CHAPTER 391.

AN ACT for the benefit of Catharine Caldwell and Sarah J. Burnam, and their children.

Whereas, it is represented that Mary Clark, deceased, late of Madison county, in this State, by her last will and testament, devised to a trustee, for the use and benefit of her two daughters, Catharine Caldwell and Sarah J. Burnam, and their children, a certain house and lot in the town of Richmond, Kentucky; that the said Catharine Caldwell, with her husband and children, were, at the death of said testatrix, and are still, residents of the State of Missouri, and the said Sarah J. Burnam, with her husband and child, purpose emigrating thereto, and are anxious that the aforesaid property in this State, devised to them in said will, should be sold and vested in real or personal estate in Missouri; and that such a disposition of the property would evidently promote the advantage of those having an interest therein, and meet with the sanction and approval of the trustee named in said will. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be legal for the Madison Circuit Court, upon a bill filed for that purpose, in the names of the said Catharine Caldwell and her husband and child, to which the trustee in said will shall be a party, to decree a sale of said house and lot, upon such credits as said court may deem most to the interest of the beneficiaries under said will: *Provided*, that the Court shall not decree such a sale unless it shall be of opinion, from the depositions of disinterested persons filed in the case, that it will conduce to the advantage of the beneficiaries under said will, and unless the trustee assent thereto.

SEC. 2. Said court shall have power to convey the title to the purchaser; and it shall be the duty of the court to appoint some competent person to invest the money, arising from the sale of said house and lot, in good real or personal estate in Missouri, under its direction and superintendence, having the title invested in a trustee, or trustees, to be selected by the court, for the same uses and pur-

poses, and under the same conditions and restrictions that the property devised is now held under the will aforesaid: *Provided*, that in making selection of real or personal estate in Missouri, for this purpose, the wishes of the beneficiaries under the will shall be consulted, so far as can be done without prejudice to the interests of the infant children of either.

1850.

Approved March 5, 1850.

CHAPTER 393.

AN ACT for the benefit of Willis Gamblin, of Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Willis Gamblin, an illegitimate child of Eli Cook, of Hopkins county, be and the same is hereby changed to that of Willis Cook, and he is hereby rendered capable, in law, of inheriting the estate of said Eli Cook, as if he was a legitimate child and heir of the said Eli Cook.

Approved March 5, 1850.

CHAPTER 394.

AN ACT to incorporate the Linden Grove Cemetery Company, of Covington.

Whereas, the Trustees of the Western Baptist Theological Institute have, heretofore, set apart as a Cemetery, a tract of land containing about thirty acres, adjacent to the city of Covington; (being a part of the lands held by the said Trustees, under and by virtue of the corporate powers vested in them by an act for their incorporation, heretofore enacted by the General Assembly of the Commonwealth of Kentucky,) which is now known as the Linden Grove Cemetery; and, having erected a temporary enclosure and partially improved and ornamented the said tract, and having, also, divided and laid off the same into about sixteen hundred lots, the said Trustees have granted and conveyed to the city of Covington one acre of the said land as a public burial ground for the said city, and have sold to individuals about one half in number and value of the said lots, to be used only as places of deposit for the dead, but hereby reserving five acres off of the north end of said enclosure of said thirty acres, which is not included in this corporation; and, whereas, it is desirable that the said Trustees of the Western Baptist Theological Institute, and the individuals who have thus become owners of lots within the said enclosure, should be incorporated, and the lands aforesaid placed under the control and management of a corporate body, for the protection and further improvement and embellishment of the said Cemetery. Therefore,

1850.

Corporators' names.

Name & style, and corporate powers.

Who shall have control of the grounds to be laid out, and improved, and in what manner.

Lots exempt from sale for debt.

May be voluntarily conveyed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the original Trustees of the Western Baptist Theological Institute, to-wit: Cave Johnson, Samuel W. Lynd, John Stevens, and Henry Wingate, and others since added, and their successors and associates, and all such persons as now are, or may hereafter become owners of lots within the said Cemetery, shall be and are hereby created and made a body politic and corporate in law, under the name and style of "the Linden Grove Cemetery, of the city of Covington;" and by that name and style, shall be able and capable, in law, to have and use a common seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform all such other things as are incident to a body politic and corporate.

SEC. 2. The said corporation, by the Board of Trustees hereinafter provided for, shall have control of the Cemetery ground now laid off as aforesaid, under the provisions and restrictions of this charter; shall have power to grade and improve the avenues, alleys, and walks, to ornament the grounds by planting trees or shrubs, or erecting such buildings and other improvements thereon as may be deemed desirable; to keep the whole tract enclosed in such manner as may be determined upon by the said board; and, for such purposes, to raise sufficient sums of money by imposing a tax or taxes on any and all lots within said grounds: *Provided*, that the tax imposed on any lot for the improvement and ornament of the avenues, alleys, or walks, shall not exceed fifty cents per foot of front of the said lot on the avenue, alley, or walks, so improved: *And, provided also*, that the expense of enclosing the whole tract, and preserving, repairing, or renewing such enclosure, and the expense of erecting any building, or making any improvement or ornament for the whole tract, shall be raised by an equal assessment on all lots; and shall have power to make, and to enforce by reasonable fines and penalties, such by-laws, rules, and regulations, for the government of the said Cemetery, and the protection of said lots and improvements, as it shall judge best, provided the same be not contrary to the constitution or laws of the United States, or of this State.

SEC. 3. That no interest of a corporator or lot holder is the property of said company, or lands included in said Cemetery, shall be subjected, in any way, except as hereinafter provided for, by judgment, decree, or execution, to the payment of debts, or pass by insolvency, or in the course of administration; but the rights and interests aforesaid shall be and remain in such corporators or lot holders, and in the families of such as may die intestate according to the course of descents: *Provided, however*, that such corporators or lot holders may, by conveyance voluntarily ex-

ecuted, or by will, assign or transfer such right or interest, or any part thereof.

1850.

SEC. 4. That in order to give validity and force to such assignment, conveyance, or transfer, it shall not be necessary that the deed or other instrument, by which the same is made, should be recorded, as required by any act of Assembly in relation to conveyances of real or personal estate; but the said corporation, by its by-laws, may prescribe the mode in which such conveyances, assignments, or transfers, may be made and attested; and when made and attested in pursuance of such by-laws, such conveyances, assignments, or transfers, shall be good and effectual, in law, to convey and pass the right and title to such lot or interest, any law, statute, or usage of this Commonwealth to the contrary notwithstanding.

Conveyances,
how executed.

SEC. 5. The said grounds and lots, with the buildings, fixtures, and improvements thereon, shall always, hereafter, be exempt from taxation or levy, for State, city, or county revenue; and no public road, street, or passway, except for the use of said Cemetery, shall at any time be opened through or over said grounds, or any part thereof, unless the same shall be done with the assent and concurrence of the said corporators, or a majority of them, in general meeting.

Grounds Ex-
empt from taxa-
tion—no road to
be made over
them.

SEC. 6. Any person who shall wilfully destroy, mutilate, deface, injure, or remove, any tomb, monument, grave-stone, or other structure, placed in the said Cemetery, or any fence, railing, enclosure, or other work for the protection or ornament of said Cemetery, or of any lot, tomb, monument, grave-stone, or other structure, within the same, or who shall wilfully destroy, break, injure, or remove, any tree, shrub, or plant, within the limits of said Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than five dollars nor more than five hundred dollars, and by imprisonment for not less than one or more than thirty days, at the discretion of the jury; and such person shall, moreover, be liable to an action of trespass, in the name and on behalf of the said corporation, for all damages or injury occasioned to the said Cemetery, by such unlawful act; and in all such actions, members of the said corporation shall be competent witnesses for plaintiff or defendant. And no action pending on behalf of such corporation, or recovery had in any former suit on behalf of such corporation, shall be a bar to the recovery, by any individual lot holder, of such damages as may have been occasioned to his individual rights, in consequence of such unlawful act.

Penalty for de-
stroying or de-
facing tombs,
&c.

SEC. 7. For the purpose of enforcing the payment of any tax assessed by the said corporation on the lots included in said Cemetery, or of any fine or penalty imposed on any

How payment
of taxes on lots
for improve'm'ts
may be enforced.

1850.

corporator or lot holder by virtue of the by-laws, the Board of Trustees shall have full power and authority, (after ten days' notice duly served on the owner of such lot, if residing within the city of Covington, or either of the counties of Kenton or Campbell, or published in some newspaper printed in said city, if the owner resides elsewhere,) to sell, at public auction, for cash, or on such term of credit as they shall deem best, any lot or lots, or portions thereof, within said Cemetery: *Provided, however*, that in the sale so made, the ground already actually occupied as a grave or tomb, shall be reserved to the owner thereof.

May receive
property, &c.,
by donation.

SEC. 8. The said corporation shall have power to receive by gift, devise, or bequest, any money or personal property, which, together with any and all sums which may accrue to the said corporation from fines or penalties imposed under its own by-laws, or from any other source, shall be faithfully applied to the improvement, repairs, and maintenance of the said Cemetery.

Improper monuments,
&c.,
may be removed.

SEC. 9. The said Trustees shall have full power, at all times, in accordance with the by-laws of the corporation, to enter, by themselves or their agents, upon any lot or lots within the bounds of said Cemetery, and to remove therefrom any improper or unseemly monuments, fixtures, shrubbery, or other matter, which may be placed thereon against the by-laws or regulations of the corporation.

How unoccupied
lots may be
used.

SEC. 10. The Trustees may permit the lots, remaining unoccupied for burial lots, to be used by the respective proprietors thereof for horticultural purposes, provided that such use thereof shall not interfere with the rights or convenience of other lot holders.

Trustees to be
appointed, and
for what purpose.

SEC. 11. The estate, property, and affairs of said corporation, not otherwise herein provided for, shall be managed, controlled, and directed, by a board of nine Trustees, to be chosen from among the owners of lots within said Cemetery; and in the election of such Trustees, as well as on all other questions decided at a general meeting of the corporators, each owner of a lot or lots, having title thereto regularly authenticated according to the by-laws of the corporation, shall be entitled to one vote for every such lot or lots, except that the city of Covington shall be entitled to ten votes and no more, and the Trustees of the Western Baptist Theological Institute shall be entitled to only one vote for every two lots, the title to which may at the time of such meeting be retained by them.

General meeting
to be held, &
for what purpose.

SEC. 12. Within ninety days after the passage of this act, the Trustees of the Western Baptist Theological Institute shall cause to be inserted, in one of the newspapers printed and published in the city of Covington, a public notice, apprising all persons owning lots within the said Cemetery, that on the first Monday in May, at College Building in the town of Covington, a meeting will be held for the

purpose of accepting or rejecting the provisions of this charter; and, also, if the same shall be accepted, of electing the Trustees therein provided for. At the meeting thus called, if a majority of the votes present, according to the ratio above mentioned, shall be in favor of accepting this charter, an election of Trustees shall accordingly be made.

1850.

SEC. 13. The Trustees so elected, (a majority of whom shall constitute a quorum for the transaction of business,) shall immediately thereafter prepare a code of by-laws and regulations for the government of the corporation and its concerns, in accordance with the provisions of this act; which shall remain in force until the next general meeting of the corporators, and then be submitted to such meeting for acceptance, modification, or amendment.

By-laws.

SEC. 14. The said Trustees shall elect, from their own body, a President, and shall also appoint a Treasurer, Secretary, and General Agent or Superintendent, and such other agents or officers as they may deem necessary and proper to carry into effect the designs of their incorporation.

President and other officers.

SEC. 15. The said Trustees and other officers, respectively, shall, before they enter upon the discharge of any of the duties, or exercise of the powers conferred by this charter, make oath, before some Justice of the Peace, or other officer authorized by law to administer oaths, faithfully and truly to discharge the duties of their respective offices, and especially that no sectarian or political considerations or motives shall, in any manner, influence their conduct or votes; which oath, thus taken, shall be certified by the officer administering the same, and recorded in the books of the corporation. The Treasurer shall, also, before he shall enter upon the discharge of his duties, execute and deliver to the President or Secretary, a bond with good and sufficient security, to be approved by the Board of Trustees, payable to the Linden Grove Cemetery of the city of Covington, in such penalty as may be prescribed by the by-laws, and conditioned for the faithful discharge of the duties of his office, and for the payment, in obedience to the order of said Trustees, of such moneys as may come to his hands by virtue of his office.

Officers to take oath.

Treasurer to give bond.

SEC. 16. The said Trustees, elected at the first general meeting, and such others as may thereafter be elected, shall remain in office until the next annual meeting succeeding their appointment: *Provided*, that should such annual meeting not be holden at the regular time appointed therefor, the said Trustees shall remain in office until successors shall be elected by the vote of the corporators in general meeting.

Term for which Trustees, &c., are to be elected.

SEC. 17. A general meeting of the corporators or lot owners shall be held annually, on the first Monday in May, unless otherwise ordered by the Trustees, and the presence,

General meeting.

1850.

either in person or by proxy, of at least one fourth of the whole number of votes shall be necessary for the transaction of the business of such meeting.

If gen'l meeting is not held on day fixed, may be held thereafter.

SEC. 18. If such meeting shall not be held on the day above named, in any year, or if from any cause the Trustees shall deem it advisable and so order, the President of the Board shall have power to call a general meeting of the corporators, at such time and place in the city of Covington as may be selected for that purpose; such call to be made by advertisement, at least two weeks previous thereto, in some public newspaper in the city of Covington.

Qualification of Trustees.

SEC. 19. No person shall be eligible as Trustee, or capable of holding that office, unless he shall reside in the city of Covington, or in one of the counties of Kenton or Campbell; and in the event of a vacancy or vacancies occurring in the interval between two general meetings of the corporators, by the death, resignation, or removal of one or more of the Trustees, elected as aforesaid, the remaining Trustees shall have power to supply such vacancy, or vacancies, by the election of other members of the corporation.

May purchase and hold additional lands.

SEC. 20. The said corporation shall have the right to contract for, purchase, and hold, any quantity not exceeding thirty acres of land adjoining the lands above mentioned, for the purposes of said Cemetery; and when so purchased, such additional lands shall, to all intents and purposes, be deemed and taken to be a part of the said Cemetery, subject in all respects to the provisions of this charter.

Approved March 5, 1850.

CHAPTER 395.

AN ACT to incorporate the Russellville and Green River Plank Road Company, and for other purposes.

Name & style, and object of corporation.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and is hereby incorporated, under the name and style of the Russellville and Green River Plank Road Company, for the purpose of constructing a plank road, to begin at Russellville and to proceed to the mouth of Muddy river, or to any other point on Green river, which the President and Managers, appointed as hereinafter directed, may determine upon.

Capital stock.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each, which said capital stock may be hereafter increased, if found necessary to the completion of the road, by the President and Board of Managers hereinafter prescribed. Books for the subscription of stock in said company, shall be opened on the first Monday in May next, and continue open, if necessary, for two years, at the following places.

Books to be opened.

and under the direction of the following named Commissioners: at Russellville, Osmond Roberts, J. M. Perry, S. W. Atkinson, G. W. Norton, and John F. Stockdale; and at Rochester, William McDowell, H. B. Wiggins, E. C. Guest, and William Walker. In the several subscription books, to be opened as aforesaid, there shall be written the following obligation, to be signed by the subscribers: "We, the undersigned, severally bind ourselves to pay the several shares, respectively, set opposite our names, (each share being fifty dollars,) to the President and Managers of the Russellville and Green River Plank Road Company, in such sums and at such times as said President and Managers, when appointed, may direct. Given under our hands and seals, this — day of —, 18—."

1850.

Com'rs.

Obligation of subscribers.

SEC. 3. That so soon as one hundred shares are subscribed, it shall be the duty of the Commissioners, or of such of them as may act, to give notice by publication in the Russellville Herald, and by posting up a notice in some public place or places between Russellville and the mouth of Muddy river, and at the mouth of Muddy river, for ten days, calling a meeting of the stockholders in the town of Russellville, for the purpose of choosing a President, Treasurer, and four Managers of said road; at which, and all subsequent elections, each stockholder shall have one vote for each share of stock held by him. The Treasurer shall collect and disburse all moneys payable to, and disbursed by, said company. The Managers may require of him bond and security for the faithful performance of his office, which bond shall be made payable to them and their successors in office, and in their name suit may be brought for a breach of the covenants of said bond, and from time to time, as breaches may occur.

Meeting of stockholders to be called, and officers elected.

SEC. 4. The said President and Managers may call in said stock at the rate of ten per cent. for each forty days, and upon failure to pay when demanded, the amount so demanded shall bear interest at the rate of ten per cent. per annum, and the President and Managers may double the call. Any subscriber may pay his subscription in work at the usual cash prices for labor, on said road: *Provided*, he shall work at such times and places as the President may direct, or in lumber such as may be used on the road, to be received and approved by the President and Managers, or under their direction.

Calls on stock.

SEC. 5. The President and Managers shall have power to locate and lay out said road, and to receive releases for the right of way, which shall be taken in writing; and after said route shall have been located and marked out, no action at law or equity shall be maintained against said company for damages done, or for recovery of the ground over which the road may pass, unless the same be brought within twelve months from the time said company, or their contractor or contractors, may commence working on said land.

Location of road, right of way, how acquired.

1850.

Grade, and
manner of con-
struction.

SEC. 6. The said company may construct the road upon such grade of elevation as they may think best, and shall grade the said road not less than twelve feet wide, which may be reduced in a side cut in a hill or in any street; the plank part shall be made not less than eight feet wide, and constructed of such lumber as may be thought best; it shall be the privilege of each individual through whose land the road may pass, and who may subscribe stock, to work out the value of his stock through his land at the estimated prices for the labor to be done, or he shall have the preference, at the lowest bid, or pay said stock in lumber on the same terms.

Toll gates and
tolls.

SEC. 7. The company may have six gates, and no more, on said road; and may, when the road is graded, set up said gates, and so regulate the tolls as not to produce a greater dividend than three per cent. per annum; and when five continuous miles shall be completed, the tolls on such part may be so increased as to yield six per cent. per annum.

Officers to
take oath.

SEC. 8. The President, Managers, and Treasurer of the Company, from time to time elected, shall take an oath well and truly to discharge the duties of their respective offices.

Logan County
Court and Trus-
tees of Russell-
ville may sub-
scribe stock.

SEC. 9. The Logan County Court, a majority of the Justices concurring, and the Trustees of the town of Russellville, may subscribe, as stock, in said road, not exceeding eight thousand dollars for the first, and two thousand dollars by the latter, and not collectable sooner than in four equal, annual, instalments; they shall vote by proxy, and draw the dividends as other stockholders, and shall have the power to direct where the money subscribed by them shall be expended.

Books to be
opened, &c.,
Treasurer may
be removed.

SEC. 10. The books kept by the President or Treasurer shall, at all times, be subject to the inspection of the Managers, or of any one of them, or of any individual stockholder. The Managers, a majority concurring, may remove the Treasurer from office, upon which they shall immediately advertise a meeting of the stockholders to elect another Treasurer.

Provisions of
act chartering
Paris, Winchester
& Ky. river
turnpike com.,
adopted.

SEC. 11. That as soon as the company is organized, the President, Managers, and other officers, shall possess all the powers, authority, rights, and privileges, and may do all other things necessary for laying out, locating, carrying on, and completing said plank road, and shall be subject to all the duties, qualifications, restrictions, penalties and forfeitures, (if any,) and shall be entitled to like tolls and profits as are given, granted, and prescribed, in the act incorporating the Paris and Winchester, and Kentucky River Turnpike Road Company, except so far as the same may come in collision with the foregoing sections; and the provisions of said act, so far as it relates to the said Paris, Winchester,

and Kentucky River Turnpike Road Company, are hereby enacted as part hereof, except so far as they are local in their application, or may conflict with the foregoing sections.

1850.

SEC. 12. That if, after the organization of said company, they shall deem it prudent to make a railroad or a McAdamized road instead of a plank road, over the proposed route, they are hereby empowered so to do, with the capital stock above prescribed, and with the above granted privilege of increasing said capital stock, as found necessary; and under all the responsibilities, restrictions, and privileges, imposed and conferred upon the Louisville and Frankfort Railroad Company in the act incorporating the same, approved March the 1st, 1847; in case the said company shall determine to make a railroad; and the provisions of said act, are hereby enacted and adopted as a part of this act, except so far as they are local in their application, or may conflict with the foregoing sections.

May make railroad or McAdamized road, instead of plank road.

Louisville and Frankfort railroad charter adopted.

SEC. 13. *Be it further enacted*, That the President and Managers of the said plank road are hereby authorized to call upon the superintendent or engineer upon the Green and Barren River Navigation for his aid and assistance in locating or surveying, or causing to be located or surveyed, the said road; and any expenses incurred by said engineer or superintendent shall be charged to the Green and Barren River Navigation, as in the case of repairs of said improvement.

Superintendent or Engineer, of Green & Barren river, to make survey.

SEC. 14. *Be it further enacted*, That the President and Directors of the Green and Larue Turnpike Company are hereby authorized to change the plan of their road, so as to convert the same into a plank road, and the rights and the privileges of the Russellville and Green River Plank Road Company, so far as they are not inconsistent with the rights conferred heretofore upon this company, are hereby granted to the Green and Larue County Turnpike Company; and said Green and Larue County Turnpike Road Company, are hereby allowed the further time of five years to commence said road, in addition to the time heretofore allowed.

Green & Larue turnpike may be made of plank.

SEC. 15. That so much of the act, chartering the Great Crossings and Stampingground Turnpike Road Company, as requires said road to be graded at an elevation not greater than three degrees, is hereby so altered and amended as to require said road to be graded at an elevation not greater than four degrees.

Great Crossings and Stampingground turnpike company charter, amended.

SEC. 16. *Be it further enacted*, That the Wilderness road in Madison county, where it runs in and up Hay's fork of Silver creek, be and the same is hereby changed and taken out of said creek, and shall run on or near the east bank of the same, beginning at or near the corner of the land of Thomas Palmer, thence through the lots of T. B. Ballard, T. B. King, and William Heatherly, and coming

Wilderness road, in Madison county, changed.

1850. into said road at or near Dr. Riley's office: *Provided*, the persons on whose land, the road is proposed to be placed, agree thereto.

Approved March 5, 1850.

CHAPTER 396.

AN ACT for the benefit of Sabina Turpin, and her children, of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Wilkerson Turpin, Trustee of Sabina Turpin, and her children, may file his bill or petition in the Chancery Court for Bourbon county, praying said Court to authorize the sale of a certain house and lot on main street in Paris, the legal title to which is vested in the said Wilkerson Turpin, as Trustee, for said Sabina, and her children aforesaid; which bill or petition shall require the concurrence of the Sabina and Anderson J. Turpin, her husband, who are the natural guardians of said children; and upon it appearing to said Court that it will be more satisfactory to the said Sabina and her children; and that it will be to their interest to have said property sold, and the proceeds vested in other real estate in the State of Missouri, Indiana, or Illinois, the said Court of Chancery may order a decree, authorizing and ordering said Trustee to make a sale of said house and lot, on such terms as may seem most conducive to the interest of said Sabina and her children, and order a re-investment of the proceeds of said sale in other real property in accordance with the prayer of the petitioner; and said Court may make all such orders and decrees, and shall require such securities as may be necessary to secure the right and interest of the *cestui que trusts*.

Approved March 5, 1850.

CHAPTER 397.

AN ACT to repeal an act, entitled, an act to repeal all laws requiring hands to work upon Licking river, so far as relates to Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to repeal all laws requiring hands to work upon Licking river, so far as relates to Pendleton county, approved February 9, 1850, be and the same is hereby repealed.

Approved March 5, 1850.

CHAPTER 398.

1850.

AN ACT to incorporate the town of Bedford, in Trimble county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Wesley J. Wright, Robert O. Brien, Thomas G. Rowland, Archibald Bain, and Shelby Maddox, be and they are hereby appointed Trustees of the town of Bedford, in Trimble county; that they shall continue in office until the 1st Saturday in April next, and until their successors are duly elected and qualified according to the provisions in this act. The said Trustees and their successors, before they shall enter upon the discharge of their duties, shall, severally, take an oath before some Justice of the Peace of Trimble county, "that they will faithfully, and to the best of their skill and ability, perform the duties of Trustees of the said town, so long as they shall continue in office." The said Trustees, and their successors, shall be vested with all the powers heretofore exercised by the former Trustees of said town, in addition to those conferred by this act.

Trustees of Bedford appointed, term of office, to take oath

Sec. 2. That an election for Trustees of said town shall be held on the first Saturday in April next, and on that day in each succeeding year, at some place in said town to be designated by the Trustees, and by them advertised, by written notices posted up at three public places therein, for ten days next preceding the day of election, at which five persons shall be elected as Trustees thereof, who shall hold their offices for one year, and until their successors are duly elected and qualified. No person shall be eligible to the office of Trustee of said town who has not been a resident thereof for one year next preceding his election, and who, at the time of his election, is not the owner of real estate therein. All elections for Trustees of said town shall be held and conducted by two of the Trustees in office, to be appointed by the Board for that purpose, and by the Clerk of the Board, who shall give to each person elected a certificate of his election; all the free white male citizens of said town who have attained the age of twenty one years, and resided in said town six months next preceding any election for Trustees, shall be entitled to vote at such election.

Annual election of Trustees.

Qualification of Trustees.

Sec. 3. That the Trustees, and their successors, shall be a body corporate, under the name and style of "the Trustees of the town of Bedford;" and as such may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered, contract and be contracted with, and may have and use a common seal, and alter the same at pleasure. They shall appoint a Chairman to preside at their meetings; they shall appoint a Clerk, Assessor, Collector, and Treasurer, and to prescribe their duties, salaries and fees, and the mode in which they shall be paid.

Corporate powers, &c.

1850.

By-laws may
be made.

They shall have power to pass all by-laws they may deem necessary for the good government of said town: *Provided*, they do not conflict with the Constitution of the State. They shall require bond and security of the above officers for the faithful performance of their duties. In making by-laws, they shall not exceed the sum of twenty dollars for any single offence, which sum or sums shall be recovered before the Police Judge, as hereinafter provided, and paid over to the Trustees for the benefit of the town. They shall give ten days notice, in writing, of such ordinances as they may pass.

Taxes may be
levied and col-
lected.

SEC. 4. That the Trustees may, annually, cause to be assessed and collected from all persons residing in said town, liable to pay a county levy and revenue tax to the State, a poll tax not exceeding one dollar and fifty cents on each tythe, and an ad valorem tax upon the property in said town, real and personal, now subject to taxation by the revenue laws of the State, not exceeding ten cents on each one hundred dollars worth of property; which tax, when assessed, shall be collected by the Collector appointed by the Trustees, who shall have all the powers now exercised by Sheriffs of this State in the collection of the revenue and county levy taxes, and shall be liable in the same manner as Sheriffs are for a failure to pay over the same when collected by motion in the Circuit Court of Trimble county. That the lots, or parts of lots, upon which taxes shall remain due and unpaid on the first day of April, in each year, may be sold to pay the same by the Collector, by order of the Board of Trustees, being first advertised in some newspaper published in Frankfort or Louisville for one month; but lots so sold shall be redeemable any time within two years by payment of the amount bid, with twenty five per cent. interest on the amount, and the costs of sale, or by depositing the amount with the Treasurer of the Board and taking a receipt therefor.

Lots may be
sold for taxes.

Appeals may
be taken.

SEC. 5. Appeals may be prayed from and judgment given under this act, in the same way and manner, and under the same rules and regulations, as appeals from a Justice of the Peace under the existing laws. And that such streets and alleys of said town as were closed on the 1st day of November, 1849, may remain closed until a majority of the legally qualified voters of said town shall petition the Trustees of said town to open the same, and, thereupon, the said Trustees shall cause the said streets and alleys, named in the petition, to be opened within thirty days thereafter.

Streets and
alleys closed, to
remain until ma-
jority voters pe-
tition for open-
ing.

Tax on shows,
&c.

SEC. 6. The Trustees shall levy and collect, by distress or otherwise, such tax as they may deem proper on all shows, circuses, and other exhibitions, in said town, or within one mile thereof.

SEC. 7. That the citizens of said town shall elect a town

Marshal; and the Police Judge shall have the power and jurisdiction that is exercised by one Justice of the Peace in civil causes, and in criminal cases that of two Justices; and he may grant injunctions, writs of *ne exeat*, and *habeas corpus*; he shall hear and determine all causes involving infractions of the town ordinances, and issue his warrant for the apprehension of all offenders against the same, or those offending against the general laws of the town. He shall keep a docket, as Justices of the Peace now do, and issue warrants in civil cases, and that five days notice of the day of trial shall be given the defendant or defendants, which warrants shall be executed by the town Marshal and shall be liable for the performance of his duty as Constables now are. Said Police Judge shall be recommended by the Trustees to the Governor, to be commissioned by him; and said Judge shall receive for his services, the following sums for his services, to-wit: Issuing warrant and presiding on the trial, fifty cents; issuing execution, twenty five cents; taking all bonds, fifty cents; presiding in all criminal cases and breaches of the town ordinances, the fee of one dollar; and for all other services the same fees as Justices of the Peace are entitled to for similar services. The town Marshal shall return all process issued to him, and shall apprehend all persons guilty of riots, affrays, or breaches of the peace, in said town, under warrant, and bring the offender before the Police Judge, to be dealt with according to law, and shall receive the same fees as Constables now do for their services. The Trustees are empowered to cause the side walks and streets of said town to be graded and paved, and assess the cost thereof on the owner of lots fronting said street; and if they refuse to pay the same, the lots shall be sold to pay the same, in the same manner as is prescribed in this bill for non-payment of taxes.

Sec. 8. This act shall take effect from the first day of April, 1850.

Sec. 9. That the Trustees of Springfield may cause a poll to be opened at the election for Trustees of said town, and the Clerk shall ask each voter presenting himself to vote for Trustees the question—"are you in favor of an ad valorem tax of ten cents on each hundred dollars worth of property, subject to town taxation, in any one year, for the purpose of McAdamizing the streets and alleys of said town, and paving the side walks?" If the voter shall answer in the affirmative, then the Clerk shall set his name down in favor of it. If he answers negatively, then he shall be set down against it. And if it shall appear that a majority of the said voters are in favor of said tax, then it shall be the duty of the Trustees to levy the same, and to have it collected in the same manner that the tax of said town is now collected. That said tax, so collected, shall

1850.

Town Marshal to be elected—jurisdiction Police Judge.

Fees of Police Judge.

Marshal's duty and fees.

Side walks may be graded and paved.

Trustees of Springfield may cause vote to be taken upon subject taxation, to improve streets, &c.

1850.

not be applied by the said Trustees to any other purpose than of McAdamizing the streets and alleys and paving the side walks of said town.

Jurisdiction
Police Judge of
Harrodsburg ex-
tended.

Sec. 10. That the Police Judge of the town of Harrodsburg, in Mercer county, shall have the same and equal jurisdiction in the trial of civil warrants with Justices of the Peace, and shall hold his courts, for the trial of civil warrants, at the same periods and in the same manner now required by law of Justices of the Peace.

Marshal and
Constables to
execute process
from Police
Judge.

Sec. 11. That the jurisdiction of said Police Judge is hereby extended over the county of Mercer, and that the Marshal of the town of Harrodsburg, and all the Constables of Mercer county, are hereby invested with full power and authority to execute any civil warrant, or other process, which may be issued by said Police Judge against any person or persons in any part of said county of Mercer, and which may be directed to said Marshal, or any Constable of said county: *Provided however*, that upon the execution of any warrant, so directed to said Marshal or Constable by said Police Judge, upon any defendant or defendants beyond the limits of said town, the defendant shall have the right to direct the officer who may execute the said warrant, to return the same before some Justice of the Peace in the Constable's district in which such defendant resides, and it shall be the duty of said officer to make such return when so required by said defendant.

Sec. 12. That the Police Judge of said town shall be entitled to the sum of fifty cents for each injunction or restraining order granted by him.

Act of Feb. 5,
1848, in relation
to Piketown, in
Pike county, a-
mended.

Sec. 13. That an act, approved February 5, 1848, to incorporate the town of Piketown, in Pike county, be so amended that in all places in said act where Piketown appears, shall be read Pikeville; and that said act shall, in all respects, be full and complete for the government of the town of Pikeville, as though Pikeville had been inserted, instead of Piketown, in said act at the time of its passage.

When elections
Trustees to be
held.

Sec. 14. That said election, as provided for in the first section of said act, for Trustees, be so amended that the election shall be held on the second Monday in May next, or at some convenient time thereafter, ten days' notice being given, by advertisement at the Court House door in said town of Pikeville, over the signatures of three of the legal voters, at least, of said town, as provided in said act.

Vote to be ta-
ken upon grant-
ing license to
taverns, &c.

Sec. 15. That it shall be the duty of the persons holding elections for Trustees in the town aforesaid, at the same time and place to open a column, in which each person entitled to vote for Trustees, shall have the right to vote either in favor or against any houses, either tavern or store, being licensed to sell, by retail, ardent or spirituous liquors in said town, or within one half mile of the town limits; which vote, when so taken, shall be certified and

returned to the Clerk of the Pike County Court, and said Clerk shall file and safely keep the same, subject, however, to the inspection of any person who may desire to see the same.

1850.

Sec. 16. That if in said election there shall be a majority of voters against granting the license aforesaid, then the County Court shall not grant them during the year in which said vote was taken.

No license to be granted, if vote be against it.

Sec. 17. That in each and every year, and at the time when Trustees are elected, a like vote shall be taken as directed by this act.

Vote to be taken annually.

Sec. 18. That so much of the act to which this is an amendment, which applies to the town of Paintsville, empowering the Trustees to levy an *ad valorem* tax, is hereby repealed.

Act in relation to Paintsville, repealed in part.

Sec. 19. The Trustees of the town of Pikeville shall have power, by suit or otherwise, to settle and collect the fund due the Pike Seminary, from those who have the possession of the fund of said Seminary, who shall appropriate the same to the improvement of the public buildings in the town of Pikeville, or for the purpose of erecting a school house in said town, as the said Trustees may think best.

Trustees of Pikeville to collect funds due Pike Seminary.

Approved March 5, 1850.

CHAPTER 399.

AN ACT to amend the charter of the City of Louisville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Mayor and Council of the City of Louisville shall have power and authority to assess, levy, and collect taxes, grade, pave, and McAdamize, and open and extend streets and side walks, dig and wall wells and cisterns, within the following described limits, to-wit: Beginning on the Ohio river, above and near the mouth of the Canal, at the corner between said City and the town of Portland; thence with the upper line of Portland to the Portland avenue; thence down the said avenue to the Salt river road; thence with said Salt river road to the south line of the five acre lots (fronting on the south side of said Portland avenue); thence, eastwardly, with the back line of said five acre lots, to a point in the line between the lands of Duncan and Jacob on the west, and Rowan's heirs on the east; thence, southwardly, with said line (last named) and the lower line of DeWolf's lands, to Jefferson street; thence the same course, continued four hundred and thirty feet, to Grayson street continued; thence, eastwardly, and parallel to Jefferson street, to Nineteenth street; thence, south, with Nineteenth street extended, to Broadway or Prather street extended; thence up Prather street,

Mayor and Council may levy taxes, grade streets, &c., in certain boundary defined.

1850.

east, to Elizabethtown Turnpike Road; thence with Elizabethtown Turnpike Road, southwardly, to Maple street; thence, eastwardly, with Maple street, to Eleventh street extended; thence, southwardly, with Eleventh street, to Lexington street; thence, eastwardly, with Lexington street, to Seventh street extended, (which point is 1309 feet,) south of Prather street; thence, eastwardly, and parallel to Prather street, to the south fork of Beargrass; thence down said creek to its intersection with Prather street extended; thence, eastwardly, with Prather street extended, to Underhill street, (being a street laid out by Preston at the foot of the hill on the eastern side of said creek); thence down Underhill street to the Bardstown road; thence with the Bardstown road to the work-house road; thence with said work-house road to Payne & Price's corner; thence north $36\frac{1}{2}$ degrees west, to the south fork of Beargrass; thence down said south fork to its junction with the middle fork of Beargrass; thence with said middle fork to the eastern limits of said city; thence with the same to the Ohio river; thence down the Ohio, and with its meanders, to the beginning.

List of qualified voters to be made, and list of property assessed.

SEC. 2. The city Clerk shall make out, annually, at least twenty days next preceding the election for city officers, from the Assessor's books, an alphabetical list of all the qualified voters in said city, and shall furnish to the Judges of the election on the morning of the election, a true list of the voters of each ward. Should any one not be assessed, the city Clerk shall, within twenty days next preceding the election, upon application of such person, and proof being made that such voter is qualified to vote, place his name upon such list of voters according to his residence, and shall demand of such person, so applying, a true list of his taxable property, which shall be placed upon the Assessor's book.

Qualification of voters.

SEC. 3. At all elections for city officers, every free white male citizen twenty one years of age, authorized to vote at State elections, who has resided in said city one year next preceding the election, and who shall have been assessed and registered as herein provided, at least twenty days next preceding the election, shall be entitled to vote in his respective ward for all said officers; and, hereafter, the Marshal and City Attorney shall be elected, and they, as well as the Mayor, shall hold their respective offices for one year, or until their successors are elected and qualified, and shall be re-eligible; but no city officer shall be re-eligible, who has not settled his account with said city, according to the laws and ordinances of said city, and obtained therefrom a quietus; nor shall any such officer buy or speculate, directly or indirectly, in any city bonds, scrip, or tax receipts, for himself or others.

Marshal and city attorney to be elected.

SEC. 4. That, hereafter, when an ordinance shall have

been passed, to grade and pave any street or alley in said city, the same shall be advertised, as now directed by law, and the advertisement, so made, shall state that the property holders may execute the grading and paving opposite their own property; and they may file a contract therefor, with the Mayor and Council, on the day fixed for the receiving of sealed proposals; which contract shall contain a provision that the work proposed for shall be executed at the same time the residue of the paving and grading is to be done; and if such contracts shall not be so filed, the Mayor and Council shall proceed to let the work to others; and if such contracts shall be filed, but the work shall not be executed according to the contract, or shall not be executed at the same time as the residue of the street is graded and paved, such fact shall be reported by the City Engineer or Surveyor to the Mayor and Council, and they, the Mayor and Council, shall then let the same to any one of the contractors engaged in paving the residue of the street, or to any one else at their discretion.

1850.
Paving, grading, and Macadamizing streets, &c.

SEC. 5. It shall be the duty of the city of Louisville, in making contracts for paving streets and other public works, to insert a provision that the undertaker shall settle and pay for all materials and labor performed under such contract, out of the contract price of the work, and that such undertaker shall report, in writing, the balance due for labor and materials on such contract, and request the city authorities to pay the same out of the contract prices; and all such payments shall be in part payment of the contract price; and the city of Louisville shall not pay the contract price for any such work, until the materials and labor performed for such undertaker shall be settled and paid, under such terms and conditions, as to time and manner of payment, &c., as shall be agreed on between the city authorities and such undertaker; and no appropriations for money shall be made until the contractor shall file his schedule of indebtedness for material and labor, unless said contractor shall execute bond, with approved security, to pay for all the labor and materials furnished and performed on said contracts.

Contracts for work, and how made, and payments therefor regulated.

SEC. 6. The Mayor and Council may, at any city election, from time to time, submit any proposed amendment or amendments, to the city charter, to the voters of said city, qualified as above; or may, at any election of the city officers, submit the question as to the propriety of calling a convention of delegates from the various wards of said city, to amend the charter or make a new one; in all cases publishing such amendment, or proposition for convention, at least ten days previous to the vote being taken thereon, in at least two of the newspapers of Louisville; and should a majority of said voters decide in favor of such amendment, they shall, by the Mayor, be forwarded to

Amendments to city charter may be proposed and submitted to voters

1850.

the next Legislature thereafter for its enactment; and should a majority of the people decide in favor of such convention, the Mayor and Council shall, within thirty days after such election and decision, order an election to be held in the various wards of said city, for the election of at least two delegates from each ward, who shall have the same qualifications as required heretofore, for Councilmen, and be voted for by those authorized to vote for city officers; and said delegates, when elected, shall meet at such place and time as said Mayor and Council shall direct, and perform the duties for which they were elected; and the result of the deliberations of such convention may be submitted to the voters of said city for their confirmation or rejection, at such time as such convention shall determine, or without such submission, if the convention so determine, shall be, by the Mayor of said city, submitted to the Legislature convening next after the action of such convention, for its enactment and sanction.

Approved March 5, 1850.

CHAPTER 400.

AN ACT to amend the charter of the town of Bowlinggreen.

Whereas, difficulties and dissatisfaction grow out of the fact that the limits of the town of Bowlinggreen are not properly and certainly settled. Therefore,

Boundary defined. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That on the north west side of said town, (starting from the Court House,) the line bounding the north west side of the fifth street from the Court House, shall become a governing line in fixing a boundary to said town. That on the south west side of said town the line bounding the south west side of the street, south west of Plain street, latterly laid off by Covington's heirs, shall become another governing line. That on the south east side of said town, the line of the south east side of the third street, in Skiles' enlargement, being the fourth street from the Court House, shall become another governing line. That on the north east side of said town, the line of the north east side of the street, that is the north east boundary of the grave yard square, shall become another governing line. Said lines being extended until they intersect at each corner. All the town lots, streets; roads, and land within said boundary, and all additions to said town, laid off into town lots and streets outside of the same, that have been regularly added to said town, by order of the County Court, and now recognized as in town, is hereby declared to be the town of Bowlinggreen. And all persons and property, within said boundary, shall have and enjoy equal rights

and privileges; and the laws and municipal regulations of said corporation are extended over the same. 1850.

SEC. 2. The Chairman and Board of Trustees for said town, shall cause said boundary to be run off, and the corners all to be marked and plainly designated. They shall, without unnecessary delay, in all that part of the town where the same has not been done, proceed to open streets, alleys and roads, for the public convenience of the citizens, as the wants of society may require. They are authorized to do this by the consent of property holders, by purchase from the owners of property, or by legal condemnation. They shall cause an accurate survey of all the land added to the town by this act to be made, designating as far as possible each person's land, and when permitted to do so by the owner, lay the same off into lots and number the same, so as to facilitate further conveyances, and make a map thereof. They shall mark upon said map all streets, roads and alleys now opened, or that may hereafter be opened, and cause said map to be recorded in the County Court Clerk's office, in the county where said lots lie. They shall also make out a full and complete map of said town, with all the additions, on a small scale, for recording, and cause the same to be recorded; and on a large scale, to be hung up in their own office for the use of the citizens.

Survey to be made and corners marked—streets to be opened.

Map to be made out and recorded.

SEC. 3. The Chairman and Board of Trustees of said town shall have the right, by making the proper parties on petition to a Justice of the County Court, to have the writ of *ad quod damnum* to open streets, alleys and roads, or parts of the same, in any part of the said town. Said writs to be issued and executed in like manner as provided by law for opening public highways, and by paying the damages assessed, as in such cases. The said street, alley, or road shall become a public highway by order of said Court, as in other cases; and the Clerk shall make a record of the same, and mark the same on the recorded map, with note of reference to the order. And all laws conflicting to this act, or any of the provisions thereof, are so amended as to conform thereto.

Writs of *ad quod damnum* may be had to open streets.

Approved March 5, 1850.

CHAPTER 401.

AN ACT to amend an act, entitled, an act to amend the road law in the county of Campbell.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to amend the road law of Campbell county, be and the same is hereby so amended as to authorize the surveyors of roads of said county to call out the hands in their respective districts, to work the roads, at such times as said surveyors

Hands may be called out at discretion of surveyors, three days in the year.

1850.

may seem best for the public good: *Provided*, that said hands shall not be called out to work said roads more than three days in any one year, except it be to remove obstructions, as in said act provided.

Justices may
render judg'ts
against delin-
quents out term
time.

SEC. 2. *Be it further enacted*, That the Justices of the Peace, in said county, be and are hereby authorized to render judgment, out of said Justices regular term times, against any hand or hands that shall hereafter fail to work said roads as required by law, upon due proof being made, before any or either of said Justices, of such failure.

Approved March 5, 1850.

CHAPTER 409.

AN ACT for the benefit of the town of Nicholasville, and for other purposes.

Trustees of
Nicholasville
may sell and
convey certain
lots, and vest
proceeds in pur-
chase other lots
for Female Aca-
demy.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Chairman and Board of Trustees of the town of Nicholasville be and they are hereby invested with full and ample power to sell and to convey, by deed executed by them, three lots of ground in said town, known on the plat of said town by their numbers, fifty eight, fifty nine, and sixty, together with the house and other improvements on said lots, now used by said town for a female academy; and to invest the proceeds of said sale in the purchase of other real estate, in said town, for the purposes of a female academy, and other public institutions of learning; and such deed, so executed by said Chairman and Board of Trustees, shall be sufficient to pass to and invest the purchaser of said property with all the right, title, and interest in the same.

Trustees of
Presbyterian C.,
in Nicholasville,
may sell and
convey house &
lot.

SEC. 2. *Be it further enacted*, That the Trustees of the Presbyterian Church, in the town of Nicholasville, now being or their successors in office hereafter appointed, be and they are hereby invested with full and ample power, to sell and convey by deed the house and lot of land containing one acre, upon which the said house is situated in said town, now used by the said Presbyterian Church of the town of Nicholasville as a place of public worship, to the Chairman and Board of Trustees of the town of Nicholasville, now being and their successors in office, or other person or persons, for the purpose of a female academy, or other public institution of learning; and such deed, so executed by said Trustees of said Presbyterian Church or their successors in office hereafter appointed, shall be sufficient to pass and convey the title of said property to the purchaser or purchasers thereof.

Trustees Hop-
kinsville Acad-
emy may ex-

SEC. 3. *Be it further enacted*, That the Trustees of the Hopkins Academy, in the county of Hopkins, be and they are hereby empowered to exchange the seminary lot of

ground, in the town of Madisonville, Kentucky, for another lot of ground which they may think more convenient for the purposes of building a seminary, or which, in their opinion, better adapted for the advantages of a school; or in place of exchanging said lot, they may sell the same and purchase another, for the benefit of said academy; and whether they exchange or sell the same, they are empowered to convey the same by deed to any person, with whom they may negotiate either a sale or exchange: *Provided*, that a majority of said Trustees shall agree to such exchange or sale, and also join in making a conveyance of said lot.

1850.
change lot of
ground.

Approved March 5, 1850.

CHAPTER 403.

AN ACT for the benefit of the Mechanics and Laborers of Campbell county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That carpenters, joiners, brick masons, stone masons, plasterers, painters, turners, brick makers, lumber merchants, sub-contractors, journeymen, laborers, and all others performing labor, or furnishing materials for the construction or repair of any building, within the county of Campbell, shall and may have a joint or separate lien upon the building or buildings they may be employed to construct or repair, and the interest of the employer or owner in the lot or parcel of ground, on which such building or buildings may be constructed or repaired, or for which they may furnish materials, to the extent of the labor done and materials furnished by them, respectively: *Provided*, that no lien shall attach for any sum not amounting to five dollars: *Provided*, that nothing herein contained shall be construed to affect, impair, or injure, any lien or liens, whether by mortgage, deed of trust, or otherwise, which any person or persons, body politic or corporate, may have on the property, by this act subjected to the lien or liens, herein before created and mentioned: *Provided, also*, that the lien or liens, by mortgage, deed of trust, or otherwise, shall have been created prior to the performance of the labor or the furnishing of the materials, herein before mentioned.

To whom liens
are given, & to
what extent.

SEC. 2. That any person or persons, having a lien under this act, may enforce the same by filing a bill in the Campbell Circuit Court, at any time within six months from the completion of the work, or furnishing the materials; all persons having a lien may join in the bill against the employer or owner, or one or more of them may file a bill against the employer or owner and other persons having a lien. Each claim shall be clearly and distinctly stated, and

How liens are
to be enforced.

1850.

as clear and distinct an answer shall be made to the same. The court, on the application of either party, may direct an issue to be made, and a jury called to try the same, as in other cases at law; and when the claims of each shall be ascertained, the court shall decree the amount against the owner of the building or buildings, and direct the house or building, and the interest of the employer or owner in the lot or parcel of ground, to be sold on a credit of three and six months, and shall cause the sale money to be collected and distributed in payment of the amount decreed to the claimants: *or, provided*, that if the court shall deem it to the interest of said employer, owner or owners, the court shall have power, instead of decreeing a sale of said property, to render a decree, appointing a commissioner or commissioners to lease out, or rent, the property to which said lien attaches, for the shortest space of time, to any person or persons who will pay off the respective claim or claims, decreed as aforesaid, and costs; and the commissioner is directed to enter into contract with the lessee, and put him in possession of said property immediately, or so soon as the lessee shall have paid the amount so bid by him, or shall have given bond and approved security, payable to the complainant or complainants, for the amount decreed, and costs, within three months from the date thereof, with interest; which bond shall have the force and effect of a replevin or sale bond, and execution may issue thereon accordingly. And said court shall cause the lease money, when collected, to be distributed in payment of the amount decreed to the claimants. The amount due the claimants shall bear legal interest from the time the same shall have been due, by the contract of the parties; and the purchaser shall give bond and security to the commissioner or commissioners for the amount of the purchase money, with interest thereon from the time of sale. The court, after the claimants have all been paid, shall direct the surplus to be paid over to the owner of the property; and should the proceeds of the sale or lease prove insufficient to pay all the claimants, then the court shall cause each to be paid in proportion to their respective debts.

Possession of
premises leased
when to be re-
stored.

Sec. 3. That when the terms of the lease, provided for in the preceding section of this act, shall expire, the possession of the property, so leased, shall be delivered up to the owner, or his or her legal representatives; and upon failure of the lessee so to do, the party injured shall have the right to institute and maintain his or her action of forcible detainer, against any person or persons holding over, or being in possession of the same.

Lien not to ex-
ist where secu-
rity is taken.

Sec. 4. That none of the persons named in the first section of this act shall have a lien, if they shall have taken security for the payment of their claim or claims.

Sec. 5. That the complainant or complainants, in any

suit instituted under the provisions of this act, may proceed to the proof of their respective claims immediately on the service of process, giving to the employer, contractor, or owner, or all of them, as the case may be, legal notice of the time and place of taking of said proof, providing that said defendants reside in said county. And any defendant or defendants, claiming a lien, may proceed to the proof of their respective claims immediately on filing their respective answers, asserting and specifying their claims, and giving the notice herein required to be given. It shall not be necessary for a defendant or defendants, claiming a lien, or relief, against any complainant or co-defendant, to make their answer or answers a cross bill against the complainant or co-defendant; but the assertion of their respective claims and liens, in their answers, with a prayer for the appropriate or general relief, shall be sufficient to authorize the court to enter the proper decree for relief against any of the complainants or defendants.

SEC. 6. That immediately on the service of the process, in any suit instituted under the provisions of this act, any defendant or defendants shall have the right to file, with the Clerk of the Campbell Circuit Court, his or their answer under oath, and the Clerk shall endorse thereon the true time of filing the same; and twenty days shall be allowed to a defendant or defendants to file their answers after the service of process. The cause shall stand for trial at the first term after the service of process, if the same shall have been served twenty days before the commencement of the Court, either at a common law or chancery term. The Court, for good cause, may continue the suit, and may permit a defendant or defendants to file his or their answer, at any time before the trial of the cause, on such terms as the Court may deem equitable.

SEC. 7. That when the claim of any person or persons, who may be entitled to the benefit of the provisions of the first section of this act, shall amount to one hundred dollars or under, he, she or they may, at their election, take the remedy provided in the foregoing sections of this act, or in lieu thereof, may resort to a suit before the Mayor of the city of Newport against the employer, owner, or other persons having a lien. That in all suits brought before said Mayor, under the provisions of this act, the claimant or claimants shall be required to file in the office of said Mayor a statement or statements in writing, setting forth specifically the nature of his or their claims, the time when due, and the amount thereof; which statement or statements shall be sworn to by the said claimant or claimants; whereupon, the Mayor shall issue summons, as in other cases at law, directed to the Marshal of the city of Newport. The defendant or defendants shall also be required, under oath, to file a statement, in writing, which shall

1850.

Proof of liens, when and how made.

Answers of def'ts may be filed in Clerk's office.

Suits may be brought before Mayor.

Duty of claimants where suits are brought before Mayor.

1850.

clearly set forth the nature of his or their defence or claim, which shall be filed with the papers in said suit. The Mayor of said city shall be authorized to issue all necessary process directed to said Marshal, and to hear and determine said suit within ten days after service of process. He shall hear all legal testimony that may be adduced by either party. Upon the trial of said suit the Mayor of said city is hereby empowered and directed to make all such orders and decrees, and to do such acts, as the said Circuit Court is authorized and directed to make and perform, under the provisions of this act.

Marshal to execute decree of Mayor.

SEC. 8. That when said Mayor shall render any decree under the provisions of this act, it shall be the duty of the Marshal of said city to proceed to execute the same, in like manner that the Commissioner is required to proceed herein under a decree of the Circuit Court, except where bond is required to be taken in the name of the Commissioner, that the same shall be taken in the name of said Marshal.

Proceedings against non-residents.

SEC. 9. That where the defendant or defendants, who may have been sued under the provisions of this act, either in the Campbell Circuit Court, or before the Mayor of said city, shall reside without this Commonwealth, then and in that case the complainant or complainants, so suing, shall proceed in the same manner against said defendant or defendants, as is now authorized by law in the Circuit Courts of this State in the case of non-residents.

Proceedings where lands lie out of city limits.

SEC. 10. That when any person or persons shall be entitled, under the provisions of this act, to a lien upon any house or building, which may have been erected or repaired on any ground other than city or town lots, that the same proceedings shall be had in all such cases as provided for in the second section of this act, except that the Court, in rendering a decree against any such house or building in the country, shall direct, in said decree, that the interest of the owner or employer in the ground upon which said house or building may stand, and not more than twenty acres of the farm or ground adjoining thereto in convenient shape, shall be sold or leased, as directed in said second section; and if the Court shall deem it necessary, they may order a survey of said premises to be made.

Mayor's jurisdiction confined to limits of city.

SEC. 11. That nothing in this act shall be so construed as to give to the Mayor of the city of Newport cognizance or jurisdiction of any cause or lien arising under the provisions of this act, outside or beyond the corporate limits of said city. That it shall be the duty of said Commissioner or Marshal, or their successors in office, to make a deed to the purchaser of any property sold under the provisions of this act, upon payment of the purchase money and interest.

SEC. 12. That so much of an act, entitled, an act for the benefit of the Mechanics of the towns of Covington and

Newport, as relates to said town or city of Newport and county of Campbell, approved February 22d, 1834, and an act, entitled, an act for the benefit of the Mechanics of the town of Newport, approved February 26th, 1848, and all other acts coming within the provisions of this act, be and the same are hereby repealed.

1850.
Repealing
clause.

SEC. 13. That the provisions of this act shall be and they are hereby extended to the county of Carter.

Extended to
Carter county.

Approved March 5, 1850.

CHAPTER 404.

AN ACT to incorporate the town of Owingsville, in Bath county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the inhabitants of the town of Owingsville, the county seat of Bath county, be and the same are hereby incorporated, and made a body politic and corporate, under the name and style of "the Town of Owingsville," with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, and to do and perform all such other acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully and lawfully do and perform.

Corporate
powers.

SEC. 2. That on the first Monday in May next, and on the first Monday in May annually thereafter, an election shall be held in said town, for the choice of a Chairman and six Trustees for said town, to serve for the ensuing twelve months, and until their successors are duly elected; and at said elections, all free white male residents of said town, of the age of twenty-one years and upwards, shall be entitled to vote; and said elections shall be held at the Court House in said town, until otherwise ordered by the Board of Trustees of said town; and at the first election, the officers thereof shall be appointed by such voters as may be present at the opening of the poll, and annually thereafter by the Board of Trustees: *Provided*, that should any officer appointed fail or refuse to act at an election, the others may fill the vacancy.

Chairman and
Trustees to be
elected annual-
ly.

SEC. 3. The Chairman and Board of Trustees of said town shall be chosen from among the free white male voters of said town; and before entering upon the performance of the duties of their stations, shall exhibit a certificate of their election, from the Judges holding the election; and each to take an oath honestly and faithfully to perform their duties as such. And the Board of Trustees shall have power, from time to time, to create by-laws for the government of said town; for the preservation of good order, decency, and decorum, within the limits of said

Trustees to
take oath.

By-laws may
be enacted.

1850.

Taxes may be
assessed and
collected.

Clerk, Treas-
urer, &c., to be
appointed.

Marshal's du-
ties.

Majority to
form quorum.

Police Judge
to be appointed.

town ; for the preservation of the peace, health, lives, and property of the inhabitants, and others, within said town ; for the preservation, repair, and improvement of the streets and alleys of said town ; and for all such other matters as properly come within the police of an incorporated town ; and shall have power to provide punishments for violations of their by-laws, by fine or imprisonment, or both. They shall, from year to year, lay and provide for the collection of a tax on the inhabitants and property within said town, not exceeding fifty cents per annum on each one hundred dollars' worth of taxable property, and two dollars per annum for each tytheable, to be expended by them in necessary outlays attending the good government of the said town, and for the repair, improvement, and preservation of the streets and alleys of said town : *Provided*, that no by-law shall be passed which, in any wise, conflicts with the constitution and laws of the Commonwealth, or of the United States. They shall, at their first meeting, regulate the time and place of their meetings, and shall have power to change the same from time to time, to fill all vacancies that may occur in their body, and may enact a law to compel the attendance of absent members. They shall annually appoint a town Clerk, town Treasurer, and town Marshal, and regulate the amount of the penalties of their bonds, payable to the corporation, if any shall be deemed necessary, and fill all vacancies that may occur in either of said offices. The Chairman shall preside at the several meetings of the Board ; but shall have no vote except in case of tie, or where his vote will make a majority. He shall take care that all the town laws be faithfully executed ; call extra meetings of the board when necessary ; and, in case of his absence, death, or resignation, the Board of Trustees shall appoint one of its own members to fill his place, *pro tempore* ; and the Board of Trustees shall define the duties of the town Clerk and Treasurer, and, from time to time, fix their emoluments and fees, as well as the emoluments of the Chairman and Marshal.

Sec. 4. That the town Marshal shall perform such duties as may be required of him by the Board of Trustees, and execute all process which may be requisite for the enforcement of the by-laws of said town.

Sec. 5. That a majority of the Board of Trustees shall be a quorum to transact business ; but a less number may adjourn from day to day, fill vacancies in their own body, and compel the attendance of absent members.

Sec. 6. That the Governor shall, by and with the advice and consent of the Senate, appoint a suitable person Police Judge of the said town, who shall, before he enters upon the duties of his office, take an oath before some Justice of the Peace for Bath county, faithfully and impartially, to the best of his ability, to discharge the duties of his office.

SEC. 7. That said Police Judge shall have jurisdiction, within said town, of civil causes, to the same extent that Justices of the Peace now have in this Commonwealth; and shall have the same jurisdiction of crimes and misdemeanors, committed within said county of Bath, that Justices of the Peace now have; and in criminal and penal cases, he shall have the jurisdiction now given by law to two Justices of the Peace within said county, and shall have full jurisdiction, within said town, of all offences against the by-laws and ordinances of said town; and shall have power to enter judgments and issue executions for all fines and penalties for such offences; and his executions may be served by the Marshal of said town, in any part of said county, or by the proper officers in any county in this Commonwealth. He shall have power to grant attachments and injunctions, and writs *ne exeat* and *habeas corpus*, to the same extent as the Justices of the Peace selected by the County Courts now have in said county of Bath. He shall keep a record of his proceedings, copies of which shall be evidence to the same extent that copies of the records of Justices of the Peace now are. He shall have power to issue original process in all cases before him, subpoenas for witnesses, and attachments to compel the attendance of witnesses before him, to the same extent that Justices of the Peace now have; and to punish all contempts of his authority by fines, not exceeding five dollars in each case, and by imprisonment not exceeding six hours. He shall have power to order the Marshal to summon a jury in cases cognizable before him, when a jury is required by law. He shall have the same power to issue attachments for debt within the county of Bath that Justices of the Peace now have; to take and certify depositions, which shall be allowed to be read as depositions are now allowed to be read, taken before and certified by Justices of the Peace; to administer oaths and certify the same, when necessary, in all cases where a Justice of the Peace is allowed to administer an oath; and he shall be allowed the following fees, viz: for a peace warrant, fifty cents; for a warrant in case of riot, rout, or unlawful assembly, or breach of the peace, fifty cents; for a warrant for a violation of any by-law or ordinance of said town, thirty cents; for swearing a jury and presiding over a trial, fifty cents; for subpoenas, fifteen cents, each; for original judgments, in all civil cases, twenty five cents; for granting an attachment, injunction, writ of *ne exeat* or *habeas corpus*, fifty cents; in all other cases, except in a trial before him, ten cents; all other fees shall be the same as Justices of the Peace for like acts; and he shall have the same power to issue fee bills that Justices of the Peace now have, and they shall be collectable in the same way; he shall have jurisdiction of motions and suits against the Treasurer, Marshal, Clerk, and other officers of

1850.

Jurisdiction of
Police Judge.Police Judge's
fees.

1850.

said town, for all delinquencies of said officers: *Provided*, that all process issued by said Judge shall run in the name of the Commonwealth.

Appeals from
Judge's Police
Judge.

SEC. 8. That appeals from all judgments rendered by said Police Judge, in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals as appeals are now allowed from judgments of Justices of the Peace.

Marshal's fees.

SEC. 9. That the Marshal of the said town be entitled to a fee of fifty cents, for each defendant, for executing a warrant for a violation of any of the by-laws or ordinances of the said town; and in all other cases his fees and commissions shall be the same as those of Constables for similar services; and he shall collect them in the same manner; and he shall, by himself or deputy, duly qualified, execute all the processes of the Police Judge within the county of Bath.

Merchants,
&c., prohibited
from selling
liquor without
license.

SEC. 10. That no merchant, grocer, or other person or persons within the limits of said town, shall have the right to sell or trade in ardent spirits, without first obtaining a license from a majority of the Trustees: *Provided*, that all moneys for the sale of licenses shall go into the State Treasury, as now provided by law; and any infringement or violation of said tavern license shall forfeit the same; and any other person or persons having a license to sell liquor and who shall violate the same, shall be subject to a fine of ten dollars and a forfeiture of such license, to be recovered by warrant by the Trustees of the town.

Repealing
clause.

SEC. 11. That all acts or parts of acts, relating to the town of Owingsville, coming within the purview of this act, be and the same are hereby repealed.

T. B. Jeff-
erson's residence
included in the
boundary town
of Cadiz.

SEC. 12. *Be it further enacted*, That the residence and lots of T. B. Jefferson, be included in the corporation of the town of Cadiz, in Trigg county.

Approved March 5, 1850.

CHAPTER 405.

AN ACT to amend an act, entitled, "an act to establish the town of Moscow, in Hickman county, and to incorporate a Seminary of Learning in said town, and for other purposes," approved 8th January, 1831.

Whereas, doubts have arisen in the minds of the good people of said town, whether the before recited act was now in force. Therefore,

Certain sec-
tions former act
re-enacted.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the first, third, fourth, fifth, sixth, and seventh sections of an act, "entitled, an act to establish the town of Moscow, in Hickman county, and to incorporate a Seminary of Learning in said town, and for other purposes, approved January the 8th, 1831," be and the same are hereby re-enacted.

SEC. 2. *Be it further enacted*, That A. B. Hayes, S. B. Suttan, J. P. Mitchell, W. A. Davis, Levi Wallis, and J. S. Hall, be and they are hereby appointed Trustees of said town; and shall hold the office and perform its duties until the second Monday in May, 1851, and until their successors are duly elected and qualified. That on the second Monday in May, 1851, and that day of each succeeding year, an election for six Trustees of said town shall be held, at such place in said town as the Trustees may designate; that the said Trustees shall cause their Clerk to advertise the time and place of such election, at two public places of said town, ten days previous thereto; that the Clerk of the said Board shall conduct the said election: *Provided*, that in all elections for Trustees of said town, all the free white males, citizens of said town, who have resided therein ten days before any such election, and all the citizens of Kentucky, owning real estate in said town, shall be entitled to vote: *Provided further*, that should there be, from any cause, a failure to elect Trustees on the second Monday in May, in any year, then the Trustees in office shall cause an election for Trustees to be held, on such a day as they may designate, giving due notice as aforesaid of the time and place of said election; but the Trustees in office shall hold their office until their successors are elected and qualified.

1850.
Trustees appointed.

Annual election of Trustees.

Who may vote.

SEC. 3. *Be it further enacted*, That the limits of said town are hereby extended so as to run out one half mile from the present limits in every direction.

Limits extended.

SEC. 4. *Be it further enacted*, That the Trustees shall have full power to levy and have collected, a poll tax not exceeding one dollar and fifty cents on each tythable in any one year; and an *ad valorem* tax of not more than fifteen cents (in any one year) on each hundred dollars worth of property or effects, liable to taxation for State revenue, in said town; that the Trustees shall have power to appoint a Collector of the town tax; and said Collector shall have the same power of levy and distress that the Collectors of county and State tax have; that said Trustees named in the second section of this act, or their successors, shall have full power, by the proper remedy, and in their names, as Trustees, to collect all dues to the said town; that the said Trustees shall cause the streets, alleys, and side walks to be kept in good order, so that persons, wagons and carriages can pass with ease and comfort; and for failure so to do, each one of said Trustees shall be liable to all the penalties now pronounced by law against surveyors of the public highway for similar offences; and any person obstructing the streets or alleys of said town, shall be liable to the penalties now denounced by law against persons for obstructing the public highways; that said Trustees shall have power to pass by-laws and ordinances, not inconsis-

Taxes may be levied and collected.

Collector to be appointed—his duties and powers.

Streets and alleys to be kept in repair, penalties for failure.

Penalty for obstructing the streets, &c.

1850.

Tax on retailers of spirituous liquors.

Penalty for selling without license.

tent with the laws of this State or the Constitution of Kentucky or the United States.

SEC. 5. *Be it further enacted*, That, the said Trustees shall have power to tax retailers of spirituous liquors in said town, in any sum not exceeding five dollars per year ; and any person selling spirituous liquors in said town, after the said Trustees shall have affixed said tax, without having paid the same, shall be fined for every such offence, in a sum of not less than ten nor more than twenty dollars, to be recovered by warrant before a Justice of the Peace, in the name of the Board of Trustees of Moscow ; and all such fines shall be applied to the improvement of the sidewalks and streets of said town : *Provided*, that nothing in this section shall render any citizen of said town, not a Trustee, disqualified from being a witness for or against any person charged with the violation of this law.

SEC. 6. *Be it further enacted*, That the Legislature may, at any time, alter or modify this act.

Approved March 5, 1850.

CHAPTER 406.

AN ACT concerning the town of Russellville, and for other purposes.

Certain acts in relation to Russellville, repealed, and re-enacted.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act concerning the town of Russellville, approved February 7, 1846, be and the same is hereby repealed ; and that an act, entitled, an act to amend an act concerning the town of Russellville, and for other purposes, approved January 23, 1843, so far as said act was modified or repealed by the first mentioned act, be and the same is hereby re-enacted.

Trustees of Shelbyville to take vote as to propriety of subscribing stock in turnpike, railroads or plank roads.

SEC. 2. *Be it further enacted*, That the Trustees of the town of Shelbyville are hereby authorized, after giving twenty days notice thereof by advertisement in the Shelby News, at any time they may think proper, to open columns for the purpose of taking the sense of the qualified voters of said town, as to the policy of said town becoming a subscriber to the stock in any turnpike, plank, or railroad companies, authorized to construct any of the aforesaid roads leading from said town, to any amount not exceeding twenty five thousand dollars ; and provided a majority of all the qualified voters, who shall have cast their votes at said time so designated in said notice, shall be in favor of said subscription of stock, then it shall be the duty of the Trustees of said town to pass an ordinance directing the Chairman of their Board, for the time being, on the behalf of the town of Shelbyville, to subscribe for any amount of stock provided for in said ordinance, not exceeding the sum specified in said printed notice ; and provided the said Trustees shall think it expedient at any one time to sub-

scribe the full amount authorized by the voters of said town, they may proceed, from time to time, to pass other ordinances directing the Chairman to increase the subscription until the whole sum authorized shall have been subscribed.

1850.

SEC. 3. That the Trustees of said town are hereby authorized to raise the amount of its subscription, by a tax not exceeding twenty five cents on the hundred dollars, on the real and personal estate, or either, within said town and taxable by the existing laws, or by borrowing the amount thereof, payable in the way and on the terms the said Trustees may deem most advisable; and the said town may provide for the payment of principal and interest of any sum borrowed by taxation on the real and personal estate, or either, within said town.

Tax to be imposed on property to pay stock

SEC. 4. That it shall be the duty of said Trustees, upon payment of said tax, to issue to each citizen paying the same a certificate of stock in any of said road or roads, equal in amount to the tax paid by them respectively for said purpose: *Provided*, that said Trustees, after ten years after the completion of said road or roads, in which said town may be a stockholder, may redeem said certificate out of any moneys then in the Treasury.

Certificates of stock to issue for taxes paid.

SEC. 5. That it shall be lawful for the Trustees of said town, whenever they may think proper, to appoint some other person than the Marshal of said town to collect the taxes and revenue of said town.

May appoint another person than Marshal to collect tax.

SEC. 6. That the corporation of the town of Cadiz, in Trigg county, shall be so extended as to embrace the lot of B. H. Pryor and Fanny Pryor, and also the lot and residence of John O. McKinstry.

Limits of Cadiz extended.

SEC. 7. That the boundary of the town of Greenville, in Mughlenburg county, be so extended as to include the lots of Henry Ward and Stanford Fuller.

Boundary of Greenville extended.

SEC. 8. That the town limits of the town of Harrodsburg, in Mercer county, be and the same are hereby extended one quarter of a mile, in the eastern side of said town.

Limits of Harrodsburg extended.

Approved March 5, 1850.

CHAPTER 407.

AN ACT to amend the lien laws, and to extend the same to Journeymen and others, in Franklin county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the carpenters, joiners, brick masons, stone masons, plasterers, tanners, painters, brick-makers, lumber merchants, and all journeymen, laborers employed, and sub-contractors, and all others performing labor or furnishing materials for the construction or repair of any house, boat, or building whatever, in the town of

To whom liens are given, & to what extent.

1850.

Frankfort, South Franfort, and Franklin county, shall have a lien, to the extent of their respective interests, upon the house, boat, or building they may construct or repair, or toward the construction or repairing of which they may have furnished material, and also upon the lot or tract of land upon which such house or building may have been erected and situated; which lien shall extend to the interest of the employer or employers in and to such house, boat or land.

How far to extend where employer holds by executory contract, and the contract is set aside.

SEC. 2. That if such employer or employers hold or claim by executory contract, and for any cause whatever such executory contract shall be set aside or rescinded, the lien herein given shall continue, so far as the person or persons to whom the estate shall come, or with whom it shall remain by reason of such rescission or setting aside, shall be made richer by such building, repairing, or materials furnished.

In cases of eviction, lien to extend to improvements allowed for.

SEC. 3. That when the employer or employers shall, by judgment at law, or decree in chancery, be evicted from the premises, and shall, by the rules of law or equity, be entitled to compensation from the successful claimant for improvements made on the premises, the person or persons who, under the provisions of this act, have liens as against such employer or employers, shall, to the extent of their liens respectively, be substituted for the person or persons evicted, and recover compensation from the successful claimant, so far as, by law or equity, such claimants is bound to make compensation to the person or persons entitled.

To extend to corporations.

SEC. 4. That the said lien herein declared shall exist against private corporations, private quasi corporations, societies, or Trustees holding estates for charitable purposes, whether the building, repairing or furnishing materials shall be done at the request of such corporations, quasi corporations, trustees or societies, or by their servants or agents authorized by parole or otherwise.

Duty of claimants in order to secure lien.

SEC. 5. That all and every person or persons claiming a lien in virtue of this act, within six months after the completion of the building, repairing, or furnishing of materials, or within six months after the completion of the work thereon by the order of the employer or employers, shall file, in the Clerk's office of the Franklin County Court, his, her or their accounts specifying the lien claimed by him, her or them, which shall operate as notice to the world of such lien; and that no lien shall exist in favor of any person or persons, in virtue of this act, who shall not have filed such account within the time specified, or proceed by suit to enforce said lien, in which latter case the *lis pendens* shall be construed to commence from the filing of such bill.

Rules of equity to govern.

SEC. 6. That the rules of equity, for the time being, for the enforcement of liens and the settling of priorities shall

govern in cases arising under this act, both as to persons claiming liens in virtue of this act, and other claimants.

1850.

SEC. 7. That the provisions of this act shall be construed to extend to journeymen, employers, laborers, sub-contracts, and all persons whatever in the service and employ of carpenters, joiners, brick masons, plasterers, turners, painters, stone masons, and lumber merchants.

To extend to journeymen.

SEC. 8. That all acts or parts of acts, coming within the purview of this act, shall be and the same are hereby repealed, so far as relates to the towns of Frankfort, South Frankfort, and Franklin county.

Repealing clause.

Approved March 5, 1850.

CHAPTER 406.

AN ACT to change the State road in Lewis county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Lewis County Court shall have power to change as much of the State road, in said county, as runs upon the lands of Henry Adair; and on application of said Adair for that purpose, the said court shall appoint three competent commissioners, house-keepers, to view and report the proposed change, the conveniences and inconveniences to the public and individuals; and upon the return of the inquisition, said court may order a change in the said road, as above indicated.

Lewis County Ct. may change on application of Henry Adair.

SEC. 2. That the County Court of Graves county be and it is hereby empowered, from time to time, as the public interest may require, to change that part of the State road leading from Hopkinsville to Columbus, commencing at the town of Mayfield, and ending at the foot of the hill east of Mayfield's creek, the distance of about one and a half miles.

Graves City Ct. may change road from Hopkinsville to Columbus.

SEC. 3. That the County Court of Trigg county be and is hereby vested with power and authority to change that part of the State road leading from Hopkinsville to Columbus, near the residence of E. C. Spiceland and the "Golden Pond," and east of the residence of John P. Turner: *Provided*, said court shall be of opinion, after causing itself to be fully informed in the premises, according to the requisitions of the general law upon the subject of altering roads, that the distance will not be increased, nor the road put on worse ground: *Provided further*, that no change shall be authorized, unless a majority of all the Justices of said county shall so order it, nor until the said new route, upon which said road will be placed by said change, shall be put in such repair, condition, and of such width, as said State road is now required by law to be kept in.

Trigg County Ct. may change part same road.

Approved March 6, 1850.

1850.

CHAPTER 409.

AN ACT to amend the charter of the Maysville and Lewis county Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to incorporate the Maysville and Lewis county Turnpike Road Company, approved March 1, 1848, be and the same is hereby so amended as to allow the said company the right to construct such part or parts of said road of plank as they may deem advisable and expedient.

Approved March 6, 1850.

CHAPTER 410.

AN ACT for the benefit of Chaffin and Grandison Glasscocke, of Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in pursuance of an act, entitled, an act prescribing the mode for a change of venue in criminal cases, approved February 23, 1846, the venue of the prosecution, now pending in the Marion Circuit against Chaffin Glasscocke and Grandison Glasscocke, is changed to the Washington Circuit Court.

Approved March 6, 1850.

CHAPTER 411.

AN ACT to incorporate the Cumberland Presbyterian Seminary of Perryville, and for other purposes.

Corporators' names.

Name & style, and corporate powers.

Property vested in Trustees.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Caleb Wheeden, R. H. Caldwell, S. B. Howard, John Parr, P. C. Latemer, Benjamin Crow, David Board, Hardin Burton, Gabriel S. Caldwell, and John A. Burton, be and they are hereby constituted a body politic and incorporate under the style of the "Board of Trustees of the Cumberland Presbyterian Seminary of Perryville;" shall have perpetual succession, a common seal, may hold by donation, deed of gift, purchase or devise, all such property and estate as they may in any of said ways acquire, under the name aforesaid may sue and be sued, in all courts of law or equity, having jurisdiction over the subject matter of suit, and have and do all things that like corporate bodies may do.

SEC. 2. *Be it further enacted,* That the title to the houses, lots and appurtenances, and all philosophical and other apparatus whatever, now held by said Trustees, shall vest in the aforesaid Trustees and their successors duly appointed, to by them held, owned and used, for the sole purposes of a Seminary as aforesaid.

SEC. 3. *Be it further enacted,* That the said Seminary

in all its scholastic, financial and prudential concerns, shall be under the supervision of the Kentucky Presbytery of the Cumberland Presbyterian Church.

SEC. 4. That whenever any vacancy shall occur in the said Board of Trustees, either from the death, resignation, or removal from the State of any of the aforesaid Trustees, the Trustees remaining in office shall have full power to fill any such vacancy. That in all business the majority of the said Trustees, in office, shall have power to act: *Provided*, that all appointments of the teachers, and all orders as to the course of study in said Seminary shall be reported to the aforesaid Presbytery, who shall have full power to ratify or reject any such teacher, so appointed, and to approve, reject or settle any such course of study.

SEC. 5. The Legislature may at any time alter or change or repeal this act.

SEC. 6. *Be it further enacted*, That Paschal Conner, B. F. Rust, Samuel Craig, Jacob J. Carpenter, John H. Stevenson, and their successors in office, be and are hereby constituted a body politic and corporate, under the name and style of the Board of Trustees of Florence Academy; and under that name and style shall have power to sue and be sued, to plead and be impleaded, in all courts of law and equity in this Commonwealth.

SEC. 7. The Seminary of learning now held in the town hall of Florence, Boone county, and known under the name of the Florence Academy, be and is hereby placed under the jurisdiction and control of said Trustees and their successors in office, who shall have full power to fill all vacancies occurring in their body from death, resignation or otherwise; to elect a suitable person or persons as teacher or teachers in said Academy; to remove said teacher or teachers from their office whenever in the opinion of said Trustees the interest of said Academy shall require it; to make all needful rules and regulations for the support and government of said Academy; and to do and perform all other acts which may be necessary for the maintenance thereof: *Provided*, that nothing in this act contained shall be so construed as to give to said Trustees or their successors power to do any act whereby the existence or well being of said Academy shall be in any way endangered.

SEC. 8. It shall be the duty of said Trustees to secure the operation of said Academy at all times, usual vacations excepted, by such means as in their judgment shall seem best; to watch over and protect its interests, so that in the place aforesaid, and under the name aforesaid, an institution of learning, in which all the branches of a thorough English and classical education may be taught, shall be secured to the people.

SEC. 9. Immediately after the passage of this act, said Trustees shall hold their first meeting, elect their officers,

1850.

Vacancies, &
how filled.

Florence Academy, corporators' names, and corporate powers.

Florence Academy to be under control of Trustees.

Vacancies, to be filled.

By-laws may be made.

Duty of Trustees.

Officers elected.

1850.

make such rules as they may deem fit; and do **and perform** all other acts necessary for the exercise of the powers hereby conferred.

Approved March 6, 1850.

CHAPTER 412.

AN ACT for the benefit of the Trustees of the town of Keene, in Jessamine county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the election of Trustees for the town of Keene, in Jessamine county, Kentucky, had and held by the citizens of said town, on Saturday the 5th day of January, 1850, be and the same is hereby legalized and declared valid in law.

SEC. 2. *Be it further enacted*, That the Trustees elected by the citizens of said town, on the said 5th day of January, 1850, to-wit: James C. Long, Merit P. Lancaster, John B. Duerson, Thomas W. Foster, John B. Hughes, Thomas Lunday, and Daniel Lyne, be and they are hereby invested with all the rights, powers, and privileges, as though they had been elected in strict conformity to an act, entitled, an act to incorporate the town of Keene, in the county of Jessamine, approved the 2d day of March, 1844.

Approved March 6, 1850.

CHAPTER 413.

AN ACT for the benefit of George T. Chrisman, late Sheriff and deputy Sheriff of Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of one year be and the same is hereby allowed and extended to George T. Chrisman, late deputy Sheriff and Sheriff of Jessamine county, to list for collection all fees due him as such, as well as county levy and revenue tax and muster fines, and that he is hereby authorized to levy and destrain for the same.

Approved March 6, 1850.

CHAPTER 414.

AN ACT to change a part of the State road leading from Hopkinsville to Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Graves county shall have the power to change that part of the State road, leading from Hopkinsville to Columbus, where said road passes through the lands of Thomas H. Mayes, adjoining and near to his residence, in said county, if such

change will not increase the distance or put it upon worse ground: *Provided*, a majority of all the Justices of said county shall, while sitting upon the bench, as a County Court, authorize said change: *And, provided further*, that said change shall not be ordered until the new route, to which the said road is proposed to be changed, shall be first put in such repair and condition, of such width, as the said State road in said county is now required by law to be kept in.

1850.

Approved March 6, 1850.

CHAPTER 415.

AN ACT to change an election precinct in Clarke county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the place of voting in an election precinct, in Clarke county, be changed from the house of Thomas C. Green to the Germantown Seminary, in the vicinity of Germantown, in said county.

Changed in
Clarke.

SEC. 2. That an election precinct is hereby established at the store house formerly occupied by Marshall & Bradley, in the village of Rockcastle, in Trigg county.

Established in
Trigg county.

SEC. 3. That the place of voting, in an election precinct, in Christian county, be changed from the house of D. Crofts to the house of Enoch A. Brown, in said county.

Changed in
Christian coun-
ty.

SEC. 4. That a place of voting be established at the store house of J. W. Hansford, in the town of Mount Gilead, in Pulaski county.

Established in
Pulaski.

Approved March 6, 1850.

CHAPTER 416.

AN ACT for the benefit of William Y. Thompson, and others.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that William Y. Thompson, as principal, and T. M. Hartford, John H. Bickley, and Clark Thompson, sureties, stand bound to the Commonwealth of Kentucky in the penal sum of two thousand dollars, bearing date the 7th October, 1842, and conditioned for the safe-keeping, &c., of forty stand of cavalry arms; and, whereas, it is also represented that said Thompson has returned the most of said arms in good order to the arsenal at Frankfort. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said William Y. Thompson, and his securities in said bond, be and they are hereby released from the penalty of their said bond, and the same shall be null and void.

Thompson &
securities releas-
ed from bond to
Com'th.

SEC. 2. *Be it further enacted*, That the provisions of the

1850.

E. H. Field,
&c., released
from bond.

above act be and they are hereby extended, so as to include E. H. Field and G. C. Dunlap, of Woodford, and F. M. Bristow and B. H. Reeves, of Todd county.

Gano & Smith
released from
bond.

SEC. 3. *Be it further enacted*, That S. F. Gano and D. H. Smith be and they are hereby released, upon their bond to the State, from the return of one set of artillery equipments, four artillery swords with scabbards, belts, two muskets, seven bayonets, and seventeen bayonet scabbards.

Offutt and se-
curities released
from bond.

SEC. 4. *Be it further enacted*, That Louis B. Offutt, of Harrison county, and his securities, be included under the provisions of this act, upon their returning the arms they now have.

Steele, &c., re-
leased from
bond.

SEC. 5. *Be it further enacted*, That the provisions of the above act be extended, so as to include Wm. M. Steele, deceased, L. H. Chrisman, G. S. Shanklin, and J. C. Wilmore, of Jessamine county.

Approved March 6, 1850.

CHAPTER 417.

AN ACT for the benefit of Charles S. and Henry S. Todd.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the guardian of Charles S. and Henry S. Todd, infant children of Thomas Todd, is hereby authorized to file a petition, setting forth the necessity of the sale of the interest of said infants in a tract of land lying in McCracken county, containing about three hundred and twenty acres, and if it shall appear to the satisfaction of the Chancellor, from the petition and proof, that it would redound to the interest of said infants, that said sale should be made, then said Chancellor shall decree its sale, upon such conditions and terms as to him may seem proper, requiring of the guardian bond, with ample and good security for the faithful application of the proceeds of said sale to the interest of said infants.

Approved March 6, 1850.

CHAPTER 418.

AN ACT to incorporate Azur Lodge, No. 25, of the Independent Order of Odd Fellows.

Corporators
named, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Peter M. Jones, Alexander Craig, John Fonda, James McGrain, and their associates, members of Azur Lodge, No. 25, Independent Order of Odd Fellows, in Louisville, be and are hereby created a body politic and corporate, by the name and style of Azur Lodge, No. 25, Independent Order of Odd Fellows, with perpetual succession; and by that name shall be capable,

in law, to have and use a common seal, to sue and be sued, plead and be impleaded, to answer and defend, in all courts, and elsewhere, as natural persons; and may ordain and put in execution in such laws, rules, and regulations, for its government and the management of its affairs, and may change and renew the same, as they may deem proper, provided they be not contrary to the constitution and laws of this State, or of the United States.

1850.

Sec. 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value; and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest or dispose of the proceeds; and to create a fund, in the same manner, for the benefit of the widows and orphans of members of the corporation that may decease, sufficient to yield an annual income not exceeding three thousand dollars; and to make and change laws and rules for its management and distribution.

May hold property and dispose thereof.

Sec. 3. The said corporation shall have power to establish a school and a library, or either, and to acquire and hold, for that purpose, a fund, in the manner named in section second, for the support of same, or either, sufficient to yield an annual income not exceeding five thousand dollars; and to appoint suitable teachers and stewards, and other necessary officers, and to remove the same at pleasure; and may ordain, execute, and change all laws, rules, and regulations, which it may deem necessary and proper, so that they be not contrary to the constitution and laws of this State, or of the constitution of the United States.

May establish a School or Library.

Sec. 4. In the event of a dissolution of this corporation, its effects and property shall become the property of the Grand Lodge of Kentucky Independent Order of Odd Fellows.

Upon dissolution, property to vest in Grand Lodge.

Approved March 6, 1850.

CHAPTER 419.

AN ACT to incorporate the Presbyterian Church of Marion.

Whereas, it is represented to the General Assembly, that some time about the year —, one Robert Hillhouse, deceased, for the benefit of Marion Presbyterian Church, then Bethany Church, a certain tract of land, on which said Church is situated, containing about two acres; and that the Commonwealth of Kentucky has also deeded, by patent to said Church, about one acre of land adjoining said tract, so conveyed by said Hillhouse; and that it is a little doubted in whom the title to said land vests, whether in the trustees of said Church or the session thereof, and also, whether said Church, by its trustees or session, have

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the power to convey said land or any portion, or to exchange a part for a small parcel of land more convenient to said Church, or even to hold said land. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James L. Hill, William T. T. Mayes, and John S. Elder, the present trustees of said Church, and their successors in office, be and are hereby declared to be a body politic and corporate, with power to sue and be sued, answer and be answered, in all courts and places; with power to hold, receive by donation or gift, to purchase, sell, convey, and dispose of, by deed or otherwise, both real and personal estate.

SEC. 2. *Be it further enacted*, That the title to all the lands and property, to which said Church is now entitled by any means whatsoever, legal or equitable, be and the same is hereby absolutely vested in said trustees, and their successors in office, for the benefit of said Church, with power to sell, hold, and dispose of the same.

Approved March 6, 1850

CHAPTER 420.

AN ACT to incorporate a Board of Trustees to manage the funds set apart to the support of superannuated Ministers, and for other purposes.

Whereas, it is represented to the General Assembly, that the members of the Transylvania Presbytery of the Synod of Kentucky have donated the sum of two hundred dollars, as the nucleus of a fund to be devoted to the support of superannuated ministers of the gospel, and to the sustenance and education of the families of deceased ministers; and, whereas, this General Assembly is anxious to sustain and encourage every well directed effort to attain objects so benevolent and praiseworthy. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Robert A. Johnson, S. S. McRoberts, Ezekiel Forman, Henry P. Thompson, John C. Young, Paul I. Booker, and Halden H. Grimes, and their successors in office, shall be and they are hereby constituted a body corporate, to be known and designated by the name and style of "the Trustees of the Association for the relief of superannuated Ministers of the Gospel, and the families of deceased Ministers." The corporation, by the name aforesaid, may sue and be sued, defend and be defended, in all courts of the Commonwealth, and elsewhere.

May acquire &
hold property.

SEC. 2. *Be it further enacted*, That the corporation shall have power to acquire and hold, by purchase, gift, devise, or otherwise, all such lands and tenements, money and property, as the Trustees thereof may, from time to time, think proper to purchase, or such as may be given or devised to said corporation, and the same, and all real and per-

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sonal property owned by them, may be disposed of by bargain and sale, or by any other mode of alienation, at pleasure: *Provided*, that all such money or property be, under all circumstances, used for the alone benefit of superannuated ministers belonging to Transylvania Presbytery, or for the benefit of the widows and orphan children of ministers who, at the time of their decease, were members of the aforesaid Presbytery.

Sec. 3. *Be it further enacted*, That the real and personal estate, business, property, funds, and prudential concerns of said association, and the administration of its affairs, shall be under the direction and control of a board of seven Trustees, which board shall consist of the Trustees named in the first section of this act, until the stated spring meeting of Transylvania Presbytery, to be held in the town of Munfordsville, in the month of April, 1850, when the Presbytery may re-appoint these or other seven Trustees in their place—the four first named of whom shall hold their office for two years, or until the stated spring meeting of the Presbytery for the year 1852, and the three last named for one year, or until the stated spring meeting of the Presbytery for the year 1851—and the Presbytery of Transylvania is hereby empowered to appoint, from year to year, Trustees to fill the vacancies thus annually occurring. If it shall happen that an election of Trustees shall, from any cause, fail to be made at the time when, by this act, it ought to be made, the Trustees then holding their office shall continue to act till such time as a called meeting of the Presbytery may be had to fill up the vacancies annually occurring in the board.

To be managed
by 7 Trustees,
how and when,
and by whom
appointed.

Sec. 4. *Be it further enacted*, That the Board of Trustees, five of whom shall form a quorum to do business, may, from time to time, adopt such by-laws, rules, and regulations, for their own government and for the management of the trusts committed to them, which they may think to be expedient, not contrary to this charter, nor to the constitution or laws of this Commonwealth: *Provided*, that they adopt no by-laws contrary to the sense of the Presbytery of Transylvania, expressed by a majority of the members of said Presbytery at any stated meeting. The Trustees may appoint a Treasurer, Clerk, and such other officers as they may deem to be necessary—fix their compensation, define their powers, prescribe their duties, and require of them such bond, in such penalties, and with such conditions and securities, as they judge proper and right. Any of said officers may be removed by the Trustees, the cause of such removal being stated on their books. A majority of Trustees remaining in office shall fill vacancies which may happen, by death or otherwise; such appointment being made for the time intervening between the occurrence of the vacancy and the next yearly election of Trustees by the Pres-

By laws, rules,
&c., may be
adopted.

Officers ap-
pointed.

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bytery. Removals from the bounds of Transylvania Presbytery, such delinquency in official duty as shall cause the board to remove the delinquent from office, or a refusal or failure to attend the Board of Trustees, when notified by the President of the Board to do so, shall forfeit the place of Trustee in the board.

Contracts, &c.,
how authenticated
and executed.

SEC. 5. *Be it further enacted*, That it shall not be necessary for said corporation to procure a common seal; all of its acts shall be manifested and made known by the signature and name of the President of the Board of Trustees of the Association for the relief of superannuated ministers, &c., affixed to contracts, documents, or writing executed, or by some entry, minute, or memorandum made on the records of the proceedings of the corporation, and signed by the President in his official capacity, in the manner aforesaid, shall be good and efficient in law for the purposes designed by them, as if the corporation had a common seal and the same was affixed in due form of law to said contract, deed, or writing.

Majority to do
business.

SEC. 6. *Be it further enacted*, That the concurrence of a majority of the Trustees shall be sufficient to transact any business of the corporation. The said Trustees shall keep a regular record of their proceedings, which shall be signed, on each adjournment, by the President. The book of record shall be, from year to year, submitted to the inspection of Transylvania Presbytery.

Right to alter
reserved.

SEC. 7. *Be it further enacted* That the General Assembly of Kentucky reserve the right to repeal, alter, or modify this charter whenever it may deem it necessary so to do.

Approved March 6, 1850.

CHAPTER 421.

AN ACT to incorporate the Kentucky Statesman Printing Company.

Corporators'
names.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Johnson, H. C. Payne, Benjamin Baily, Edward P. Johnson, Robert Wickliffe, jr., Thomas G. Randall, John W. Overton, John Norton, James A. Grinstead, Waller Rodes, Dabney C. Overton, John C. Breckinridge, Thomas Bradley, Henry B. Franklin, Francis McLearn, Silas P. Scott, John Runyon, James N. West, Waller Bullock, John B. Payne, Nathan Payne, John C. Hull, Wilson Hunt, Jeremiah E. Rogers, James Headly, William F. Stanhope, Thomas W. Bullock, Thomas H. Waters, William S. Waller, John B. Payne, jr., Christopher C. Rogers, John Clark, Spencer Graves, Abram B. Caldwell, Joseph Graves, Edward Carter, John H. Hanly, Junius R. Ward, and Robert W. Woolley, and their associates and successors, be and they are hereby incorporated, by the name and style of "the Kentucky Statesman Printing Com-

Corporate
powers, &c.

pany," and are hereby invested with full power to acquire and hold and convey property, real and personal; to sue and be sued, plead and be impleaded, answer and be answered unto; form a constitution and by-laws, devise and use a common seal, and do all other necessary acts, not incompatible with the constitution and laws of this State, or of the United States.

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Sec. 2. The object of this incorporation shall be for the purpose of printing a newspaper, job, and book work, in the city of Lexington.

Object.

Sec. 3. The shareholders shall elect, from their own body, on the first Monday in October, in each year, five trustees, who shall continue in office one year, and until their successors are appointed. Until said election, said trustees shall continue in office with the same powers as those conferred on the trustees to be elected under this charter. Said trustees shall elect a President and Secretary from their own body, and shall have the exclusive power to conduct the affairs of said company, and to bind it either by verbal or written contract. They may elect a Treasurer, and remove him at pleasure.

Trustees to be elected.

Sec. 4. The said trustees may, whenever they deem it necessary, direct a call on the shareholders for the amount required to pay the debts, or to carry on the business of the company. Such call must be voted for by at least a majority of said trustees, and notice thereof must be given for thirty days, in the Kentucky Statesman newspaper. Should any shareholder fail or refuse to pay his proportion of said call, the trustees, by an exhibition of the record of their proceedings, making the call, and of their book of transfers, showing the number of shareholders, shall have the power to recover, before any Justice of the Peace, against said shareholder or shareholders, his or their proportions of said call, by suit in their corporate name.

Calls on stock-holders.

Sec. 5. The shareholders of said company shall meet annually, on the first Monday in October, at their printing office, and the said trustees shall then and there exhibit a full and fair account of the receipts and expenses of said office. No shareholder can transfer his stock to any person not a shareholder at the time of the passage of this act, without the consent of a majority of the trustees, recorded in their proceedings; and the said trustees shall declare dividends out of the profits of said company, or they may, by the consent of the shareholders, respectively, apply them towards enlarging the business of said company.

Annual meeting and exhibit of receipts and expenses.

Dividends to be made.

Approved March 6, 1850.

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CHAPTER 423.

AN ACT for the benefit of Andrew M. Alexander.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the Land Office be and is hereby authorized to issue a patent to Andrew M. Alexander, on a survey now registered in his office in the name of John Henderson, for two hundred acres of land, in Warren county, on the waters of Trammel, on Warren County Court certificate, No. 308, alias 309, when said Alexander files the bonds and transfers showing his title, and also files a quietus in full for the State price due.

Approved March 6, 1850.

CHAPTER 425.

AN ACT incorporating the Somerset and Waitsboro' Turnpike Road Company.

Name & style,
object.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be and is hereby incorporated, under the name and style of the Somerset and Waitsboro' Turnpike Road Company, for the purpose of constructing an artificial road, on the McAdam's plan, from the town of Somerset, in Pulaski county, to Waitsboro', or to some point at or near Waitsboro', in said county of Pulaski.

Capital stock.

Capital may
be increased.

Sec. 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that said amount is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such an amount as will be necessary for the purposes in this act expressed; and may open books for subscription therefor in such manner as they may think proper.

Books to be
opened, Com'rs
to receive sub-
scriptions.

Sec. 3. That books for the subscription of stock in said company shall be opened on the third Monday in April next, or so soon thereafter as convenient, at the town of Somerset, in Pulaski county, under the direction of John G. Lair, Schuyler Fitzpatrick, Horace Withers, John T. Charles, and John Kindrick; and at the town of Waitsboro', under the direction of B. Goggins, Cyrenius Waite, Walter W. Owsley, and Eli H. Woods, or some one or more of them at each place, who are appointed commissioners. The said commissioners, for each place, shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, promise to pay to the President, Directors and Company, of the aforesaid Turnpike Road Company, the sum of fifty dollars for every share of stock in said company, and agreeably to an act of the General Assembly of Ken-

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tucky incorporating said company. Witness our hands this — day of ——— eighteen hundred and fifty. The said commissioners, or a majority of them, shall give notice, in one or more newspapers printed in Kentucky, of the time and place of opening the books for the subscription of stock in said company, and that they will continue open until the amount of capital stock shall be subscribed.

SEC. 4. That so soon as five thousand dollars shall be subscribed, the said commissioners, or such of them as shall act, shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for the President and six Directors, who shall hold their office for one year, and until others are elected and qualified. The said President and Directors, before they enter upon the discharge of the duties of said office, take an oath before some Justice of the Peace that they will perform, faithfully, the duties of President and Directors; (as the case may be,) without favor or affection, according to the best of their judgment. That, upon the qualifications of the President and Directors, they shall appoint a Treasurer, and such other officer as they may deem necessary; who shall hold their offices for one year, and until others are appointed. The Treasurer of said company, before he enters upon the duties of his office, shall give bond, with two or more good securities, in such penalty as the President and Directors of said company may direct, payable to the President and Directors of said company, conditioned that he will faithfully perform the duties of Treasurer; and that he will, when called on, pay the amount of moneys in his hands to the orders of the President and Directors of said company, and that he will perform the duties required of him by the by-laws of said company.

SEC. 5. That upon the election and qualifications of the President and Directors, as aforesaid, they shall be a body corporate and politic, in deed and in law, by the name and style of the Somerset and Waitsboro' Turnpike Road Company; and by said name shall have perpetual succession, sue and be sued, and have all the privileges and franchises and do and perform all other matters and things incident to corporations; and have all privileges, and rules, and regulations, and provisions, which are given to the Danville and Hustonsville Turnpike Road Company, which are not provided for in this act, and not inconsistent or inapplicable to this act, be and they are hereby adopted and are enacted as part of this act; and all said provisions, enumerated in said act, incorporating the Danville and Hustonsville Turnpike Road Company be applied and adopted and enacted as part of this act, as fully as if engrafted herein, except such as are provided for herein, which are applicable to this act.

SEC. 6. That said company may have the power, and

Meeting of stockholders to be called to elect officers—oath of office.

Treasurer and other officers—Treasurer to give bond.

Condition.

Corporate powers.

The Danville and Hustonsville turnpike charter adopted.

1850.

are hereby vested with the power, of making the McAdams part of said road either of gravel, rock or plank.

Sec. 7. The right is here reserved to the General Assembly to alter or amend the charter at any time.

Approved March 6, 1850.

CHAPTER 426.

AN ACT to incorporate the Springfield and Willisburg Turnpike Road Company.

Name & style,
and object.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name and style of the Springfield and Willisburg Turnpike Road Company, for the purpose of constructing an artificial road from Springfield to Willisburg, in Washington county.

Capital stock.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall be thirty thousand dollars, in shares of fifty or one hundred dollars, as the hereinafter named Commissioners may deem best.

Books to be
opened—Com'rs
to open.

Sec. 3. *Be it further enacted*, That books for the taking of stock shall be opened on the first Monday in April, 1850: at Springfield, under the direction of William S. Davison, Anthony McElroy, Austin Mudd, William B. Booker, James H. Cunningham, Robt. C. McChord, George C. Thurman, Wm. Platt, and Thos. J. Montgomery; at Thomas Leachman's shop, under the direction of John Jones, Sr., Stephen C. Browne, Thomas B. Hughes, Thomas Leachman, Milton Rogers, William G. Short, Samuel E. Booker, and D. J. Mitchell; at Willisburg, under the direction of Daniel McElroy, Samuel Redding, Henry Miller, Isaiah Yocum, E. D. Askins, A. D. Curry, John Yocum, Berry Scruggs, James R. Hughes, Harrison Crouch, Elijah Faris, and Isaiah Coulter. The said Commissioners shall procure a book or books, and the subscribers to the stock in said Company shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, severally promise to pay to the President, Directors and Company of the Springfield and Willisburg Turnpike Road Company, the sum of — dollars, for each share of stock taken by us in said company, as witness our hands this the — day of —: *Provided*, that any two of the said Commissioners shall be competent to receive subscription to stock in said company: *And, provided further*, that if the before named Commissioners shall fail to open the books for said company, at the places herein designated, on the first Monday in April, 1850, then they may, at any time after, at the same places, open said books, provided the time and place of opening the said books be advertised for ten days previous thereto.

Obligation to
be given.

SEC. 4. *Be it further enacted*, That the said company shall put said road under contract whenever the sum of ten thousand dollars shall have been subscribed : *Provided*, that the letting out of said road shall be commenced at both Springfield and Willisburg, and the said sum of money shall be equally divided between the two commencing points; that whenever the said Company shall have completed five consecutive miles of the said road, they shall have power to erect a toll gate and appoint a gate keeper, and charge the same rate of toll as is now fixed for Turnpike roads by the general laws of the State. That the said company may use stone or gravel in making said road, as they may elect; and may cause the said road to be made of such width as they may deem proper. That said road shall cross the Little Buck Fork where there is now being erected, by the Washington County Court, a bridge over said stream.

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When road to be put under contract.

Materials to be used.

SEC. 5. *Be it further enacted*, That the President and Directors shall have the right to let out any portion of said road to individuals who may agree to make the same, and take the pay therefor in stock of the Company: *Provided*, that the price so paid shall not exceed the engineer's estimates.

May be let out and amount taken in stock.

SEC. 6. *Be it further enacted*, That whenever the sum of ten thousand dollars shall be subscribed, it shall be the duty of the said Commissioners to notify the subscribers thereof, by notices stuck up at three places in Springfield, at Leachman's shop, and at two places at Willisburg, and calling a meeting of the subscribers at Pleasant Grove Meeting House, in said county, (on a day to be designated in said notices, and said notices shall have been stuck up for ten day before the day of said meeting,) for the purpose of electing a President and six Directors of said road, who shall hold their offices for one year, and until their successors are elected and qualified. The said President and Directors, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace to faithfully discharge their respective offices. Upon the qualification of said officers, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until their successors are elected and qualified. The Treasurer, before he enters upon the duties of his office, shall execute bond, in such conditions and penalties as the President and Directors may affix, and with two good sureties.

Meeting to be called for election of officers.

SEC. 7. *Be it further enacted*, That upon the election and qualification of the President and Directors, as aforesaid, they and their successors in office shall be a body corporate, under the name and style of the Springfield and Willisburg Turnpike Road Company; and, as such, shall have perpetual succession, and all the privileges and fran-

Corporate powers.

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chises incident to such corporations; shall be capable of taking and holding their capital stock, and the increase and profits thereof; of purchasing and holding, selling and conveying, in fee simple, all such lands, tenements, and hereditaments, not personal and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, in all the courts of record or elsewhere; and to have a common seal.

Lebanon and
New Market
turnpike.

Sec. 8. *Be it further enacted*, That from the sixth to the thirty fourth sections, inclusive, of an act, entitled, an act to incorporate the Lebanon, New Market, and Springfield Turnpike Road Company, approved February 18th, 1848, be, each and every one of said sections, are hereby declared part of this act, as fully and completely as if they were set out in this act.

Exemptions
from working
other roads.

Sec. 9. *Be it further enacted*, That every person, living within one mile of the said road, shall have one hand exempt from working on the public highway for every one hundred dollars worth of shares he or she may have in said company.

Washington
County Court
may take stock
and assess tax
to pay for it.

Sec. 10. *Be it enacted*, That the County Court of Washington county, a majority of the Justices being present and concurring therein, may take stock in any turnpike road within said county, in any sum not exceeding, in the aggregate, the sum of fifteen thousand dollars; and may divide said sum amongst any such roads, or either of them, as to the said Court may seem proper; and to raise any such sum, taken as aforesaid, the said Court may impose a tax of not more than five cents on each hundred dollars worth of estate and means liable to be taxed for State revenue: *Provided*, that if the said Court shall take stock in the Springfield and Willisburg road, then they shall put in the bridge, now by them being erected over the Little Buck, at the cost of the same at so much stock.

Approved March 6, 1850.

CHAPTER 427.

AN ACT incorporating the Stanford and Hall's Gap Turnpike Road Company.

Name & style,
and object.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name and style of the Stanford and Hall's Gap Turnpike Road Company, for the purpose of forming and making an artificial road, on the McAdams plan, from the town of Stanford, in Lincoln county, to Hall's Gap, in said county.

Capital stock.

Sec. 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the capital

stock is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such an amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

1850.

SEC. 3. That books for the subscription of stock in said company shall be opened on the third Monday in April next, or as soon thereafter as convenient, in Stanford, under the direction of John Baughman, John D. Scott, Henry Myers, Thomas W. Varnon, Henry Owsley, and A. G. Huffman, or some two or more who are appointed commissioners. Books shall be opened, and subscribers of stock shall enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, promise to pay to the President, Directors and Company of the Stanford and Hall's Gap Turnpike Road Company, the sum of fifty dollars for every share of stock in said company, and agreeably to an act of the General Assembly of Kentucky, incorporating said company. Witness our hands this day of 18 . ." Notice shall be given in the Kentucky Tribune and Garrard Banner, of the time and place of opening the books.

Commissioners to give notice of opening books.

Obligation of subscribers.

Notice.

SEC. 4. So soon as five thousand dollars are subscribed, the commissioners shall call a meeting of the stockholders, and hold an election for President and six Directors, who shall hold their office for one year, and until others shall be elected and qualified. The said President and Directors shall, before they enter upon the duties of their office, take an oath before some Justice of the Peace that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer of said company shall, before he enters on the duties of his office, give bond, with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer; and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors, and that he will perform the duties required of him by the by-laws of said company.

Meeting to be held to elect officers.

Directors to take oath.

Treasurer to give bond.

SEC. 5. The elevation of the grade of said road shall be fixed and regulated by the President and Managers thereof, and the company shall and they are hereby allowed to use stone, plank, or gravel, as they may elect, in constructing said road.

Grade, and manner of construction.

SEC. 6. All the sections of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road

Danville, &c., turnpike charter adopted.

1850.

Company, beginning at the fifth section of said act, to the thirty-fifth, inclusive, are hereby incorporated and made part of the charter hereby granted to the President and Directors of the Stanford and Hall's Gap Turnpike Road Company, with all the rights, powers, privileges, and immunities therein contained, so far as applicable, and which do not come in conflict with the other provisions of this act.

Lincoln C'ty
Court may sub-
scribe stock and
levy tax to pay
for it.

SEC. 7. *Be it further enacted*, That the Lincoln County Court is hereby authorized and empowered to take stock, to such an amount as it may deem expedient or advisable, in the Stanford and Hall's Gap Turnpike Road Company; the said court is hereby authorized to levy a sum not exceeding, annually, for the space of three years, three cents in the hundred dollars of taxable property in said county, and also a poll tax on each head, not exceeding one dollar and fifty cents, to meet such subscription; a majority of said court concurring therein.

Approved March 6, 1850.

CHAPTER 428.

AN ACT authorizing the Trustees of the town of Claysville to tax shows, and for other purposes.

Tax imposed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the Trustees of the town of Claysville, in Harrison county, any two of them directing the same, to tax any show, circus, theatrical, or other performance, in said town, and collect and receive from the person or persons conducting the same any sum not exceeding five dollars for each exhibition or performance; and on failure or refusal to pay said tax, said Trustees may make out an account against the person or persons conducting the same, and place it in the hands of their collector, appointed by them, whose duty it shall be to take and detain so much of the effects of such person or persons as will be sufficient to pay such tax, and one dollar as a fee to said Collector, and sell the same to the highest bidder, having given at least ten days' notice of the time and place of sale.

How collect-
ed.

Tax on Ped-
lers.

SEC. 2. That it shall be lawful for said Trustees to charge and collect a tax of one dollar from any pedler or auctioneer that may sell any merchandise, or other articles, in said town, for each day he or they may so sell any such articles.

By laws may
be made and
taxes levied and
collected.

SEC. 3. That it shall be lawful for said Trustees to make rules and by-laws for the government, improvement, and preservation of good order in said town; and may levy and collect a tax on the lots in said town for the internal improvement thereof; may fine any person or persons who may violate their rules and by-laws; and all monies collected by said Trustees shall be expended in the internal

improvement of said town. This act shall not be in force until the first day of April next.

1850.

SEC. 4. *Be it further enacted*, That all fines and taxes, imposed for violations of the by-laws, shall be collected by warrant before a Justice of the Peace, and proper proceedings thereon. The Justice of the Peace may, on affidavit filed, alleging that the person against whom the warrant issues, for a violation of the said by-laws, is a transient person, and will remove his property unless restrained by order of the Justice of the Peace, may endorse on the warrant an order to attach so much of the property of the person as will be sufficient to pay the claimed tax or fine, and, thereupon, a trial may be had at once; the warrants for the violation of the by-laws of said town may issue to the Collector of said town, or any Constable of Harrison county. And the Collector, who may be appointed by Trustees, shall execute bond, with security, payable to said Trustees, in a penalty to be determined by them, and conditioned for the faithful performance of his duties as Collector of said town; and any person aggrieved by his wrong action, as Collector, may sue on said bond, in the name of the Trustees, for his use and benefit.

Penalty for violation by laws, how collected.

Collector to execute bond

Approved March 6, 1850.

CHAPTER 429.

AN ACT to repeal an act, entitled, an act to repeal an act giving Greenup county one Road Commissioner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act giving the county of Greenup one road commissioner, approved February 5, 1849, be and the same is hereby repealed.

Approved March 6, 1850.

CHAPTER 430.

AN ACT for the benefit of William Mullens, of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Mullens, late deputy Sheriff for Hiram Gregory, formerly Sheriff of Wayne county, be and he is hereby authorized and empowered to settle and adjust all matters, of every description, pertaining to the sheriffalty during the time he acted as deputy for said Gregory, the former Sheriff. The said Mullens shall have full power to levy and distrain for all fee bills and taxes now in his hands for collection, as fully as though he were Sheriff of said county: *Provided*, that the securities of said Gregory shall file their written consent hereto with the Clerk of the Wayne County Court.

Approved March 6, 1850.

1850.

CHAPTER 431.

AN ACT granting a change of venue to Lorenzo Smith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a change of venue is hereby granted to Lorenzo Smith, in the prosecution now pending against him in the Jessamine Circuit Court, by indictment, for shooting, with intent to kill, to the Garrard Circuit Court, under and in pursuance to the act prescribing the mode of changing the venue in criminal cases, approved February 23, 1846.

Approved March 6, 1850.

CHAPTER 433.

AN ACT to amend an act, entitled, an act to incorporate the Paris and North Middletown Turnpike Road Company.

Exemptions
from work on
other roads.Exemption
from tolls.Penalty for
failing to pay
calls.May receive
contributions.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act heretofore passed, entitled, "an act to incorporate the Paris and North-Middletown Turnpike Road Company," approved February 19th, 1849, be and the same is hereby so amended, as that, all stockholders in said road, who have lived, or are now living, within the precincts of the said road, (now being McAdamized,) shall hereafter be exempted from working on any other of the public roads in Bourbon county; and that all persons shall be exempted from paying tolls on said road, in going to or from an election, funeral, mill, or church.

SEC. 2. Be it further enacted, That the President and Directors of said turnpike road shall have the right and authority to charge and collect from stockholders, who withhold or fail to pay any subscription of stock, after the same has fallen due, at the rate of ten per cent. on the amount having so fallen due and remaining unpaid, for the length of time intervening from the day of maturity, till paid.

SEC. 3. That they may receive contributions in any sums from individuals, and shall have the same power to enforce their collection as they now have to enforce the collection of stock subscribed to said road.

Approved March 6, 1850.

CHAPTER 434.

AN ACT to incorporate the Eagle Creek, New Liberty, Owenton, and Scott County Line Turnpike or Plank Road Company.

Name & style,
and object.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a company shall be and the same is hereby created and established, under the name and style of the Owen County Turnpike or Plank Road

Company, for the purpose of constructing an artificial road from Eagle Creek, through New Liberty and Owenton, in Owen county, to the Scott county line.

1850.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

SEC. 3. That the books for the subscription of stock in said company shall be opened within sixty days after the passage of this act: at New Liberty, under the direction of Henry Blanton, James P. Orr, Henry B. Gale, Lyman Martin, John B. English, John S. Brown, Henry Toon, C. Chowning; and at Owenton, under the direction of R. R. Revill, Willis Roberts, Saml. Green, Wm. Vallandingham, Richard Yancy, James Threlkill, Benj. Ford, James Vallandingham, Joel Herndon; and at the house of Benj. Haydon, under the direction of said Haydon, G. B. Jamison, A. G. Rice, Erastus Bainbridge, James Vanlandingham, G. Garnett, Thos. Ross, and H. H. Head, or any three of them at each place, who are appointed Commissioners. The Commissioners at each place shall procure a book, and the subscribers to the stock of said company shall enter into the following, in said books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors and Company of the Owen County Turnpike or Plank Road Company, fifty dollars for every share of stock in said company which we have set opposite to our names, in such manner and proportion, and at such times, as shall be required by the President and Directors of said company." The said Commissioners shall give public notice of the time and place of opening the books for the subscription of stock in said company, and that the same will continue open until the amount of the capital stock be subscribed.

Com'rs, &c.

Obligation to be signed.

SEC. 4. *Be it further enacted*, That so soon as one hundred and fifty shares shall be subscribed, the said Commissioners, or any five of them, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and five Directors, who shall hold their office for one year, and until their successors shall be duly elected and qualified. The said President and Directors shall, before they enter upon the duties of their offices, take an oath before some Justice of the Peace that they will faithfully discharge the duties of President or Directors, (as the case may be,) without favor or affection, according to the best of their judgment. After being qualified, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold his or their office for one year, and until others are appointed. The Treasurer of said company shall, before entering into the duties of his office, give bond, with two sufficient securities, in the penalty of ten thousand dollars,

Meeting of stockholders to elect officers.

Treasurer to give bond.

1850.

payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer of said company; and that he will, when called on, pay the amount of money in his hands to the order of the President and Directors, and that he will perform the duties required by him by the by-laws of said company.

Corporate
powers.

SEC. 5. That the President and Directors, when elected and qualified as aforesaid, shall be a body corporate and politic, in fact and in law, by the name and style of the Owen County Turnpike or Plank Road Company; and by the said name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be deemed necessary to them in the prosecution of their work; and to sue and be sued, implead and be impleaded, answer and defend and be defended in courts of record, or any other place whatever; and, also, to have a common seal; and to do all and every other matter or thing which a body politic or corporate may lawfully do.

Calls on stock.

SEC. 6. That the said President and Directors, upon entering upon the duties of their offices, may call upon the stockholders for the payment of any sum not exceeding ten dollars on each share subscribed in said stock, and may, if deemed necessary, call for five dollars on each share every sixty days, until the whole amount subscribed shall be paid; and if it shall be found that the amount of capital is not sufficient to accomplish the object of this act, the said President and Directors may enlarge the same to such amount as they may consider necessary, and for that purpose open books for subscription in such manner as they may direct.

Capital may
be increased.

Qualifications
of officers.

SEC. 7. *Be it further enacted*, That no person shall be eligible to hold any office in this company who is not a stockholder at the time of election, and if, after an election, any officer of said company shall cease to hold stock, his office shall be considered vacant, and the remaining portion of the board shall, by appointment, fill such vacancy until the regular annual election. Every stockholder shall be allowed one vote for each share he may hold, and may vote in person or by proxy. A majority of the votes cast shall elect. The annual election for a President and Directors, (after the first election, the terms of whose offices shall then expire,) shall be held on the first Monday in May, at either New Liberty or Owenton, according to the will of the majority of the shareholders, at which time the President and Directors shall lay before the stockholders all the

Vacancies, &
how filled.

Annual elec-
tions.

statistics of the situation of said company, and also the record of their proceeding for the preceding year.

SEC. 8. *Be it further enacted*, That the President and Directors, first chosen as aforesaid, shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, to each shareholder for each share by him or her subscribed and held, which certificate shall be transferable on the books of said company, in person or by attorney; but no share shall be transferred until all arrearages are paid thereon. The original certificate of the share or shares transferred shall be surrendered, and a new certificate shall be given the purchaser, who shall be entitled to all the benefits and privileges that would have accrued as belonged to the original owner.

1850.

Certificates to issue to stockholders, and to be transferable.

SEC. 9. *Be it further enacted*, That the President may call meetings of the Directors at such times and places as he may think proper; a majority of all the Directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book provided for that purpose, which shall be signed by the President; and in case of his absence, the Directors shall elect one of their own number *pro tempore*; and they may adjourn from time to time as they may think proper.

Record of proceedings to be kept.

SEC. 10. *Be it further enacted*, That the President and Directors shall have power and authority to take the consent, in writing, of any and all persons, who may be so disposed, to the grant of way for the said turnpike or plank road, the use of rock and timber for building the same, without charge, which being once given shall be binding to all intents and purposes. They may agree with and appoint surveyors, engineers, superintendents, artists, and officers, as they shall judge necessary to carry on the contemplated work, and to fix their salaries and wages; to prescribe the time, manner, and proportion, in which the stockholders shall make payments on their respective shares; to carry on the said works; to draw orders on the Treasurer for all moneys necessary to pay the salaries or wages of persons employed, and for the labor and material furnished, and to do all such other matters and things as, by this charter and the by-laws of the corporation, they are or shall be required to do.

Right of way, and materials how acquired.

SEC. 11. That the President shall give public notice, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment; and if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time set for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of one per cent. per month for every delay of such payment; and if such payment shall be delayed six months after the time

Calls on stock.

1850.

set for payment, such delinquent shall forfeit such share or shares to the corporation, together with all that have been paid thereon; and the President, by order of the Directors, shall sell the said share or shares at public auction, having given ten days notice: *Provided*, the same will bring the balance due on said share or shares: *And, provided*, that no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable, as aforesaid, on the share or shares by him or her held, shall have been paid agreeably to the requisitions of the President and Directors.

Location of
road.

Sec. 12. *Be it further enacted*, That the President and Directors have the right, and are hereby authorized, together with the surveyors and engineers, artists and chain carriers, to enter in and upon the land and enclosures, public roads and highways, in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground for the purposes here intended; and to examine the quarries, beds of stone, and gravel, and other materials necessary for the completion of said road; and they shall locate the said road on the best route, according to their discretion; and they shall cause a plat of the said road to be made out and lodged with the Treasurer of said company: *Provided*, they shall not be required to survey, nor have platted, more of the said road than they have stock, to complete, subscribed.

Manner in
which right of
way and materials
may be
condemned.

Sec. 13. *Be it further enacted*, That it shall be lawful for the President and Directors, by and with their superintendents, engineers, artists, workmen, and laborers, with their tools and instruments, carts and wagons, and other carriages, and the beasts of draught and burden, to enter upon the lands contiguous and near to which the said road shall pass, as well as through such as it may be located, and to use such quarries and rocks, timber and other materials, as may be found necessary to complete or repair said road; to haul or convey the same from any place they may be found, for the uses of the said road: *Provided*, that if the owners or agents shall not agree with the said President and Directors, as to the damages to which he or she may consider themselves entitled, then it shall be the duty of the said President and Directors to make application to the County Court of Owen for a writ of *ad quod damnum*, to assess the damages which may have been sustained; and the jury, in assessing damages, shall take into consideration the advantages resulting to the party claiming damages, by the establishment of said road.

Width and
grade.

Sec. 14. *Be it further enacted*, That the said road shall be graded to the width of twenty feet, and the rock, gravel, or plank, shall be laid on to the width of sixteen feet, and to the depth of nine inches, if rock or gravel; and the eleva-

tion shall not exceed four degrees, at any place ; and as soon as the company shall have completed the road from Eagle creek to New Liberty they shall call on any two Justices of the Peace in Owen county, who are not interested in the stock of said company, to examine the same, and if they shall believe the said road is finished in accordance with this act, they shall so certify ; which certificate shall be recorded in the office of the Clerk of said County Court. Then the President and Directors may cause a gate or gates to be erected across said road, and may collect the tolls hereinafter granted to the said company, from all persons traveling with horses, cattle, or carriages : *Provided*, that no gate shall be erected within one half mile of either New Liberty or Owenton.

1850.

Toll gates.

SEC. 15. That so soon as the gate shall be erected, as aforesaid, it shall be lawful for the President and Directors to appoint toll gatherers, to collect and receive, from all and every person or persons using the said road, the tolls hereinafter mentioned, and for that purpose to stop any person or persons riding, leading, or driving any horse or mule, or driving cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of burthen or pleasure, from passing through said gate, or turnpike, until they shall have paid toll to the following rates, to-wit: For every twenty head of sheep, hogs, or other small stock, five cents ; for every ten head of cattle, five cents ; for every horse, mule, ass, or four footed animal of a large kind, except cattle, five cents ; for every two wheel pleasure carriage, ten cents, exclusive of the beast by which it may be drawn ; for every four wheel pleasure carriage, fifteen cents, exclusive as above ; for every cart, ten cents ; and for every wagon, or other carriage of burden, whose wheels shall not exceed four inches in width, fifteen cents ; all such that exceed four inches, and are under six inches on the tread, twelve cents ; all that exceed six inches, ten cents, exclusive, in all cases, of the beasts by which they are drawn.

Rate of toll.

SEC. 16. *Be it further enacted*, That if any person, with intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any grounds, or lands, near to or adjoining the said road, so as purposely to avoid paying toll, or shall practice any device to defraud the just payment of the toll, by entering or traveling upon said road with any animal or burthen wagon, or other vehicle, and avoiding the toll-gate or gates, by turning out in by paths and private ways, so as to defraud said company thereby, such person or persons, so offending, shall, for every such offence, forfeit and pay to the President and Directors the sum of five dollars, recoverable before any Justice of the Peace, in like manner as other debts of equal amount, in the name of the President and Directors aforesaid.

Penalty of avoiding toll.

1850.

No toll to be collected whilst road is out of repair.

SEC. 17. *Be it further enacted*, That whenever the said road shall be out of proper order for the space of ten days, at any time, it shall be lawful for any person to call on two adjacent Justices of the Peace to go and inspect said road, and if, upon examination and proof, they believe said road had been out of repair ten days, the said Justices shall, by their order, deliver to the President or toll-gathers, direction that no toll shall be received on that portion of the said road until the same shall be repaired; and if any toll shall be collected, after the delivery of such order to the toll-gatherer nearest the place where said road is found out of order, the said company shall forfeit and pay the sum of five dollars for each and every such offence; and upon said road being repaired, the President and Directors shall call two Justices of the Peace to examine the same, and if they shall be of opinion the said road is in good repair, they shall certify the same, and direct that toll shall be taken according to the provisions of this act.

Account of receipts and expenditures to be kept.

SEC. 18. That the President and Directors shall keep a fair and correct account of all moneys which shall be received by them from the subscribers of the stock of said company; also, of all moneys expended by them in the prosecution of said work; and all costs, charges, and expenses of said road shall be paid and discharged, and the sum total, when ascertained, shall be entered on the books of the Treasurer. The said President and Directors shall, at the end of every six months after the first portion of said road shall be completed, and every six months make a dividend of the clear profits, and pay the same to the stockholders. The dividends shall be declared on the first Mondays in May in each year, provided that the dividend or net profits shall never exceed ———, per annum, on the capital stock invested in said road. The said President and Directors shall cause printed bills of the rates of tolls to be posted up on or near the toll-gates on said road.

Dividends to be declared.

Penalty for charging greater rate of toll than allowed.

SEC. 19. That if any toll-gatherer on said road shall receive, from any person or persons using the same, any greater rate of toll than is authorized by this act, such toll-gatherers shall forfeit and pay, for every such offence, five dollars, recoverable by any person suing for the same, before any Justice of the Peace, as other debts of like amount. That no suit to recover the penalties under the provisions of this act, shall be maintained or prosecuted, unless the same shall have been commenced within six months after the offence was committed.

Bonds to be given by toll-gatherers and others.

SEC. 20. That the President and Directors shall take bond, with good security, from the toll-gate keepers, and other persons employed by them, for the faithful discharge of the duties to them, respectively, committed or assigned; which bonds they may cause to be renewed whenever they may deem it necessary; and shall be payable to the President, Directors, and Company as aforesaid.

SEC. 21. *Be it further enacted*, That when the said road shall be completed from Eagle creek to New Liberty, the said President, Directors and Company may contract for, purchase, and hold, to them and their successors forever, any quantity of land not exceeding five acres, at the site of the toll gate for taking toll on the said road, and five acres of land at the place of receiving toll on every additional five miles of the said road, that may be constructed and finished according to the provisions of this act, any where on the location of this intended turnpike or plank road; and the same rates of toll are to be collected at each gate, according to the provisions of the fifteenth section of this act; and if they cannot agree with the owner or owners of said land, as to the price thereof, they may sue out from County Court a writ of *ad quad damnum*, directed to the Sheriff, or other proper officer, commanding him to summon a jury of inquest to meet upon said land, on the day fixed by the said writ, to assess the value of any quantity of land not exceeding one acre, and the damages which will be occasioned to the owner or owners thereof by its condemnation to the use of said corporation, which writ the Sheriff, or other returning officer, shall proceed immediately to execute, agreeably to its demands, giving to the owners of the land, or their guardians if they be infants, at least three days' notice, in writing, of the time and place of convening the said jury, and return the said inquest, so taken by him, to the County Court of his county; and upon the payment or tender by the said President, Directors and Company, of the value of said land, and damages, if any so appear, the said land shall become vested in said corporation: *Provided*, that no dwelling, out house, orchard, or garden, shall be taken, without the consent of the owner; and the said land shall not be so taken as to prevent the owner or owners from access to the said road, on either side of any gate, to which they would have had access if such location had not been made.

SEC. 22. *Be it further enacted*, That in all cases of inquest, by virtue of a writ of *ad quad damnum*, as provided for in the preceding sections of this act, if either party shall be dissatisfied with the finding of the jury, it shall be lawful for such dissatisfied party to traverse such finding, and take the case to the Circuit Court: *Provided*, that the party, so traversing, shall execute bond to the opposite party to pay all costs and damages that may be assessed against him or them; which, said bond, shall be filed in the Clerk's office of the Circuit Court to which the appeal was taken.

SEC. 23. That it shall not be lawful for any person or persons to leave any offensive thing on or near to the said road, such as dead horses, or other animals, or to obstruct the road in any unnecessary way, so as to hinder the public from passing thereon; and all wagons, carriages, bug-

1850.

Lands for toll
gates to be pur-
chased.

Land for toll
gates may be
condemned.

Traverse to
finding jury may
be prosecuted.

Penalty for
leaving dead
carcasses, &c.,
on or near road.

1850. gies, carts, or sleighs, or other moveable machines, when traveling or standing on said road, shall give sufficient room to be passed on the left hand by whomsoever they may meet; and for every offence against the provisions of this section, the person or persons found guilty, shall be fined five dollars, and damages, if any sustained, by an action being brought, the same as for debt, by any person, before a Justice of the Peace.

By-laws may
be enacted.

SEC. 24. That it shall be lawful for the President and Directors of the aforesaid company, for the more perfect good government of the same, to make any set of by-laws not inconsistent with the provisions of this act, and the constitution and laws of the State of Kentucky: *Provided*, nothing herein contained shall, at any time, prevent the Legislature from altering or amending this charter.

Approved March 6, 1850.

CHAPTER 435,

AN ACT to amend an act to incorporate the Licking Steamboat Navigation Company, approved February 26, 1849.

Meeting of
stockholders.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the above recited act be so amended as to authorize the commissioners there named, so soon as two thousand dollars of the capital stock in said company shall have been subscribed, to give notice of a meeting of the stockholders, as in said act directed, for the purpose of organizing said company.

May build and
lease steam-
boats.

SEC. 2. That said company shall have power and authority not only to build a steamboat, or steamboats, but also to purchase, lease, or hire, for the use of said company, a boat or boats, which they may deem necessary, for the purpose of navigating said river, and to employ the same in navigating any other stream or streams when the water in the Licking river is too low to admit of its navigation.

Exclusive right
given to navi-
gate Licking
river for 3 years,
above 3d Lock.

SEC. 3. That for the purpose of inducing the subscription of stock in said company, and insuring a fair experiment in the navigation of said stream, it is hereby enacted, that said company shall have the exclusive right of navigating the Licking river, by steamboats, above the third lock on said river, for the period of three years from and after the first day of January, 1851: *Provided, however*, that if the Commonwealth of Kentucky, or any incorporated association or company, should progress with the work of improvement on said river, which has already been commenced, above said third lock, within said period of five years, that then the privilege herein granted to said company, of exclusive navigation, shall cease, provided that

said company shall not charge more for freight than is charged on the Kentucky river. 1850.

SEC. 4. *Be it further enacted*, That the power is hereby retained to alter amend, or repeal this act.

Approved March 6, 1850.

CHAPTER 436.

AN ACT for the benefit of John L. and Joseph A. Graves, of Boone county, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John L. Graves and Joseph A. Graves, deputy Sheriffs of Benjamin Watts, Sheriff of the county of Boone, for the years 1839 and 1840, and who were also deputies for Samuel Hardesty, Sheriff of the aforesaid county in the years 1841 and 1842, be and are hereby allowed two years, from and after the passage of this act, for the official collection, by them, of the uncollected revenue and county levy of those years, and of their uncollected fee bills.

Graves further time to collect taxes, &c.

SEC. 2. *Be it further enacted*, That William J. Mayo and Lewis P. Mayo, administrators of the estate of Wilson Mayo, deceased, or the administrators of said decedent, be allowed the time of two years to list and destrain for fee bills, due said decedent, as Justice of the Peace and as Sheriff of Floyd county: *Provided*, said decedent's estate shall be liable for all illegal fee bills issued and collected by said administrators, as is provided now by law.

Wil. Mayo's adm'rs allowed further time to collect fees, &c.

Approved March 6, 1850.

CHAPTER 438.

AN ACT for the benefit of James R. Hibbs, of Hopkins county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for Tolbert Hibbs, of Hopkins county, to sell, either at private sale or public auction, a tract of land lying not far from Providence, in the county of Hopkins, containing about two hundred acres, the property of James R. Hibbs, who is a minor and under the age of twenty one years: *Provided*, that after said sale is made, it shall be the duty of the said Tolbert Hibbs, who is the statutory guardian of the said James R. Hibbs, to file his bill in the Hopkins Circuit Court, praying for a confirmation of said sale; and if it shall appear to the satisfaction of the said court, that the sale was an advantageous one, and to the interest and profit of the said James R. Hibbs, then a decree may be rendered confirming the same; and in rendering such decree, the court

Sale of tract land belonging Hibbs, authorized.

1850. shall take such bonds for the safekeeping, taking care of, and for the profitable investment of the funds arising from the sale of said land, as it may deem proper.

Line between
Henry & Trim-
ble counties,
changed.

SEC. 2. That the county lines of Henry and Trimble counties be changed and altered, so as to include that portion of the farm of John Morris (now in Trimble county,) in the county of Henry, and that the road leading from Mount Pleasant School House (by the house of said Morris,) to Coate's old mill, be and the same is hereby made the county line of said county, throwing the same into the county of Henry.

Approved March 6, 1850.

CHAPTER 439.

AN ACT to incorporate the New Castle and Campbellsburgh Turnpike or Plank Road Company.

Object.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a Company shall be and the same is hereby incorporated to construct a rock, gravel, or plank road, from New Castle, by the way of Campbellsburgh, to the county line of Henry and Trimble counties.

Capital stock.

SEC. 2. That the capital stock of said Company shall be thirty thousand dollars, divided into shares of fifty dollars each.

Com'rs to
open books.

SEC. 3. That books shall be opened at New Castle and Campbellsburgh, on or before the first Monday in April next, under the direction of the following commissioners: J. N. Webb, E. G. Bassett, Will. Voris, Will. Smith, and Joseph Brinker, at New Castle; and Peter Foree, James Campbell, Burl Oliver, Chilton Scott, and Charles Chilton, at Campbellsburgh, for the subscription of stock in said company; and in each of said books there shall be entered as follows: "We, whose names are hereby subscribed, promise to pay to the President, Directors and Company of the New Castle and Campbellsburgh Road Company, the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions, and at such times, as shall be determined on by the President and Directors of said company, and agreeably to an act of Assembly of the Commonwealth of Kentucky, incorporating said company. Witness our hands this _____ day of _____, in the year _____."

Obligation of
subscribers.

Meeting of
stockholders
to elect officers.

SEC. 4. That as soon as two hundred shares of capital stock shall be subscribed, the Commissioners, above named, shall publicly advertise a meeting of the stockholders, and said stockholders shall proceed to the election of all necessary officers for said company; in choosing said officers, the stockholders shall be regulated by the number of shares, allowing one vote for each share.

SEC. 5. That as soon as the company is organized by the election of all necessary officers, the President, Managers, and other officers of said company, shall possess all the powers, authority, rights, and privileges, and shall and may do all acts and things necessary for carrying on and completing said rock, or plank road; as well as laying out or locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, (if any) and shall be entitled to like tolls and profits as are given and granted to the Paris, Winchester, and Kentucky River Turnpike Road Company; and all the provisions of said act incorporating the Paris, Winchester, and Kentucky River Turnpike Road, approved 26th February, 1848, are hereby enacted as part hereof, except so far as they are local in their application, or come in collision with the foregoing sections.

1850.
Corporate
powers, &c.

Paris, Win-
chester and Ky.
river turnpike
charter adopted.

SEC. 6. The elevation of the grades of said road shall be fixed and regulated by the President and Managers thereof.

Grade.

SEC. 7. There shall be but two gates on said road, one between New Castle and the forks of the road near the house of Peter Foree, and the other between Campbellsburgh and the house of Burrel Oliver.

Toll gates.

SEC. 8. That so much of an act, approved 26th February, 1849, (as relates to that part of the Turnpike Road from New Castle to the Henry and Trimble county lines, by way of Campbellsburgh,) entitled an act to incorporate the Henry and Trimble Turnpike Road Company, be and the same is hereby repealed.

Act incorpo-
rating Henry &
Trimble county
turnpike repea-
led in part.

Approved March 6, 1850.

CHAPTER 440.

AN ACT for the benefit of the devisees of Mary Ann Trueman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William L. Cambran, Trustee appointed by the Louisville Chancery Court to carry out the provisions of the will of Mary Ann Trueman, deceased, be and he is hereby authorized to file a bill in the Louisville Chancery Court, praying that the house and lot, twenty seven feet of ground on the east side of second street in Louisville, which was conveyed to said Mary Ann Trueman, deceased, by Stephen Ormsby, on the first day of March, 1841, may be sold, and the proceeds of sale invested in real estate or slaves in the State of Mississippi, where the devisees of said Mary Ann Trueman reside; and if it shall be proved and shown to the satisfaction of said court that the same can be effected so as to promote the permanent advantage of said devisees, said court may authorize and direct the sale of said house and lot, and the investment of

1850. the fund arising therefrom in conformity to the prayer of the bill: *Provided*, that before the said Judge shall order the sale of the aforesaid property, he shall require, of the said Trustee, bond in sufficient penalty, and such conditions as he may think will best secure the effectuation of his decree.

Approved March 6, 1850.

CHAPTER 441.

AN ACT for the benefit of Doctor G. Brown of Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in pursuance of an act, entitled, an act prescribing the mode for a change of venue in criminal cases, approved February 23, 1846, the venue in the prosecution for perjury now pending in the Grayson Circuit Court against Doctor G. Brown is changed to the Butler Circuit Court.

Approved March 6, 1850.

CHAPTER 442.

AN ACT incorporating the Crab Orchard and Crews' Knob Turnpike Road Company.

Object. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jonathan O. Bryant be and he is hereby invested with full and complete corporate powers, for the purpose of constructing a turnpike road, upon McAdam's plan, from the termination of the Frankfort and Crab Orchard Turnpike Road, in the town of Crab Orchard, in Lincoln county, to or near Crews' Knob, in said county.

Capital stock. SEC. 2. That the capital stock of said company shall be five thousand dollars, to be increased by said Bryant to such an amount as shall be sufficient for the purpose set forth in this act.

Corporate powers & privileges SEC. 3. That the said Bryant is hereby declared a body politic and corporate, and shall be in deed and in law; shall have all the privileges and franchises incident to a corporation; sue and be sued, plead and be impleaded, and do all other matters and things incident to corporate bodies.

Width. SEC. 4. That the width of said road shall be at least forty feet, the graded part (when the ground will admit,) at least thirty feet, and the McAdamized part at least ten feet.

Route of road. SEC. 5. In constructing said road, between the points named, said Bryant shall be permitted to pursue the route at or near the Wilderness road to the creek near William

Flack's, making a distance of one mile; and when he shall have completed said road one mile, in said direction, and the same shall be received by the Lincoln County Court, he and he is hereby authorized to erect a toll gate on said road, at or near the present fork of the Somerset and Crab Orchard and Cumberland Gap Roads, near Jacob Guest's, and charge, as toll, for each man and horse, for traveling on said road, the sum of five cents; and for every head of stock, and each buggy, carriage, wagon, and vehicle of every kind, the one half of the rates of toll now charged on the Frankfort and Crab Orchard Turnpike Road; and when the above mile of road is completed by said Bryant, and received as aforesaid, said Bryant shall have the right to close up the said Crab Orchard and Wilderness Road, so far as it interferes with the said road above, made by said Bryant.

1850.

Toll gate.

Tolls.

SEC. 6. That said Bryant be and he is hereby permitted and authorized to charge the above rates of toll on said road for the one mile of turnpike road made by him for and during the period of — years; and at the expiration of said term, the gate shall be removed, and said road vest in the Commonwealth of Kentucky, and said Bryant be forever afterwards divested thereof, and the full management and control of said road be in the Commonwealth of Kentucky.

Period for which tolls to be collected.

SEC. 7. That said Bryant is hereby authorized and permitted to continue said road from the termination of said one mile, in the direction of Somerset to Crews' Gap, a distance of about three miles, to such point as the said Bryant may prefer, on the Somerset and Crab Orchard Road; and when said Bryant shall have completed the said road to the Somerset road, at or near Crews' Knob, a distance of two or three miles, and the same shall be received by the Lincoln County Court, on and after the expiration of the said period of — years, he shall be permitted to remove the gate on the Crab Orchard and Wilderness Road, and put the same on this part of the road leading to Somerset, and be permitted to charge the same rates of toll, per mile, as are now charged on the Frankfort and Crab Orchard Turnpike Road; and this right is given to said Bryant so long as he shall keep said road in good repair, under the supervision of the Lincoln County Court; and when the same shall be completed to the intersection of said Somerset road, said Bryant is permitted to close up the present Crab Orchard and Somerset Road.

Road may be extended.

Rates of toll on road, if extended.

SEC. 8. That said road shall be commenced within two years from the approval of this act.

SEC. 9. That said Bryant may make the McAdamized part of said road of rock, gravel, or plank, and, when made, keep the same in repair, as is done on other turnpike roads of the Commonwealth of Kentucky.

Material to be used.

1850.

The Danville
and Hustonville
turnpike charter
adopted.

SEC. 10. That all the provisions of the charter incorporating the Danville and Hustonville Turnpike Road Company, not inconsistent with the provisions of this act, be and they are hereby adopted as provisions of this act.

SEC. 11. That this act may be repealed, altered, or amended by the General Assembly of Kentucky at any time.

Approved March 6, 1850.

CHAPTER 443.

AN ACT to amend the law establishing the town of Salvisa.

Treasurer, and
Clerk, Marshal,
&c., to be ap-
pointed; bond to
be given.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Trustees of the town of Salvisa, in Mercer county, shall have power, and it shall be their duty, to appoint a Treasurer, Clerk, Marshal, and such other officers as they may deem necessary, and to take from them, respectively, bond, with good security, payable to the Commonwealth of Kentucky, in such penalty as the said Trustees shall direct, conditioned for the faithful discharge of their respective duties; and for a violation of duty on the part of either of said officers, motions may be made or suits brought before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations that motions are made or suits brought against Sheriffs, Constables, or other officers, for a failure of duty; and, moreover, said Trustees, or a majority of them, shall have power and authority to remove either of said officers for failing to do their duty, and appoint others in their places.

Motions and
suits against of-
ficers.

Record to be
kept.

SEC. 2. *Be it further enacted,* That it shall be the duty of the said Treasurer and Clerk to keep a record of the proceedings, which properly belong to their respective offices; and it shall be the duty of said Treasurer to render an account to said Trustees of all moneys received and paid out by him whenever, by them, required so to do.

Justices to
have jurisdic-
tion of offences
against by-laws,
powers, duties
and fees.

SEC. 3. *Be it further enacted,* That any Justice of the Peace, who may reside within the limits of said town of Salvisa, is hereby invested with full jurisdiction of all offences arising under the by-laws of said town, passed, or which may be passed, by the Trustees thereof, and shall have full power to enter up judgment and award execution, or other process, accordingly; and shall have, and be entitled to, the same fees to which Justices of the Peace are now entitled by law, and shall be collected in the same manner. And it shall be the duty of the Marshal of said town of Salvisa to serve all process and precepts, to him directed, from any Justice of the Peace who may reside in said town, and make due return thereof; collect all taxes of said town, executions, and all other demands, which may be put into his hands to collect, and account for and

Marshal to
serve process,
collect taxes,
&c.

pay over the same to whoever may be entitled thereto, under the same rules and regulations required, by law, of Sheriffs in the collection of taxes, and of Constables in the collection of executions or other demands; and for a failure to discharge any of the duties required of him, he shall be subject to the same proceedings which may now be had against Sheriffs and Constables in similar cases. And said Marshal shall be entitled to a fair compensation for collecting said town tax, when laid by said Trustees, and which compensation shall be fixed by them. And said Marshal shall be and is hereby invested with all the power and authority, within the limits of said town, which is now, by law, given to Constables of this Commonwealth. He shall be entitled, also, to the same fees which are now, by law, allowed to Constables. And the said Trustees are hereby invested with power to compensate the said Marshal for his services out of any money in their hands collected under the by-laws of said town.

1850.

Penalty for failure to do his duty.

Compensation.

Powers of Marshal.

Approved March 6, 1850.

CHAPTER 445.

AN ACT for the benefit of George M. Brooks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the guardian of George M. Brooks to file his petition in the Caldwell Circuit Court, praying that the undivided interest of the said George M. Brooks, in a tract of land devised by Elijah T. Brooks, to Napoleon B. Brooks and George M. Brooks, lying on the waters of Eddy creek, may be sold by decree of the Chancellor of the said court, upon satisfactory evidence being adduced, either written or oral, that it will be to the advantage of said infant, to decree a sale of the interest of the said George M. Brooks; or by the assent of the said Napoleon B. Brooks, the said court may decree the sale of the whole tract, and direct the proceeds arising from the sale of the interest of the said George M. Brooks to be invested in such manner as will most redound to the interest of the said infant: *Provided,* that the said guardian shall execute bond, in the said court, in the penalty of double the estimated value of the interest of his said ward, with approved security, conditioned to secure fully the payment of the proceeds, so arising and invested, to the said George M. Brooks.

Approved March 6, 1850.

LAWS OF KENTUCKY.

1850.

CHAPTER 446.

AN ACT for the benefit of Cosby Vaughan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That pursuant to the provisions of an act, entitled, an act prescribing the mode for a change of venue in criminal cases, approved 23d of February, 1846, the venue in the prosecution pending in the Fayette Circuit Court against Cosby Vaughan, is changed to the Bourbon Circuit Court.

Approved March 6, 1850.

CHAPTER 447.

AN ACT for the benefit of Jane Boles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jane Boles, of Clinton county, be and she is hereby released from all disability of a married woman, so far as that she is, by this act, authorized to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, and to collect and disburse all sum or sums of money, notes, choses in action, or property of any kind, due her, as though she was an unmarried adult.

Approved March 6, 1850.

CHAPTER 449.

AN ACT to amend the Preamble to an act, entitled, an act for the benefit of the heirs of Sarah Roberts and Pricey Brown, approved Feb. 18, 1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the preamble to an act, entitled, an act for the benefit of the heirs of Sarah Roberts and Pricey Brown, deceased, of Caldwell county, approved February 18th, 1848, be and the same is so altered, so as to read thus—"which land has been sold by their husbands, James H. Roberts and Coleman Brown, since the death of their said wives," instead of the way it now reads.

Approved March 6, 1850.

CHAPTER 450.

AN ACT to amend an act, entitled, an act to incorporate the Graves' Mill Turnpike Road Company.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the first section be so amended as to read, "that said road commence at or near the Clay school house, situate on the Versailles and Nicholasville Turnpike Road, to intersect the Lexington and Versailles Turnpike Road, at or near the house of Cyrus Hedger."

Where to commence.

SEC. 2. That the second section be so amended as to reduce the capital stock from twenty five to fifteen thousand dollars.

1850.

SEC. 3. That the third section be so amended as to appoint R. C. Graves, Wm. E. Scott, Robert Allen, Joseph A. Humphries, James Elliott, and Bernard Giltner, commissioners for said road.

Commissioners appointed.

SEC. 4. That the tenth section be so amended as to allow the President and Directors of said road to erect two toll-gates upon said road when completed.

Toll gates.

SEC. 5. *Be it further enacted*, That if the construction of the road, provided for in this act, shall not be commenced within ten years from the passage hereof, the rights, privileges, and immunities hereby granted, shall be void to all intents and purposes.

Limitation.

Approved March 6, 1850.

CHAPTER 451.

AN ACT to amend the charter of the Mount Eden and Shelbyville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the commissioners are hereby authorised to open books for the subscription of stock at any time previous to the 1st day of January, 1851.

SEC. 2. That when stock in said road to the amount of ten thousand dollars, shall be taken, said company shall be and they are hereby authorized to organize as directed in said act.

Approved March 6, 1850.

CHAPTER 452.

AN ACT to amend an act, entitled, an act to establish the town of Willisburg, and for other purposes, approved February 1, 1838, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Justice of the Peace, for Washington county, residing nearest to the town of Willisburg, on the first day of April, 1850, to go to said town, and at the tavern house now occupied by A. Ripperdan, to hold an election for five Trustees of said town. He shall, for ten days previous to the time of holding the same, advertise said election at two public places in said town. He shall, in conducting said election, be governed by the general laws of the State in regard to elections, so far as they may be applicable, and shall be liable to the same penalties for improperly conducting the same that the judges of elections for members of the General Assembly are. The said Trustees shall

Election of Trustees to be held, when and how.

1850.	have been, for sixty days before and at the time of election, residents of said town. At the elections for Trustees of said town, all white male citizens of the same, and all white male citizens of this State owning real estate in said town, may vote. That the said Trustees, when elected, shall have power to appoint one of the number President of the said Board of Trustees. A majority of said Trustees shall be competent to do any business appertaining to their office. That the said Trustees, before they enter upon the duties of their said office, take the oath required by law of Trustees of towns, before some Justice of the Peace; and shall preserve a certificate of the same among their official papers. That the said Trustees shall have full power to appoint a Clerk of their Board. That the said Trustees shall, on the first day of April, 1851, cause an election of Trustees to be held; and on the first day of each April thereafter there shall be held an election for Trustees: <i>Provided however</i> , that the Board of Trustees last elected and qualified shall hold their office and perform its duties until their successors are elected and qualified; and should a vacancy occur in said Board, either by death, resignation, or removal, the said Board shall have power to fill the same, by an appointment made by themselves.
Qualification voters.	
Powers of the Trustees.	
Clerk to be appointed.	
Annual election of Trustees.	
Map of town to be made out and recorded.	SEC. 2. That it shall be the duty of Trustees elected on the first day of April, 1850, within sixty days after their election, to procure the plat and map of said town, made under the act to which this is an amendment, and have the same recorded in the Clerk's office of the Washington County Court; and a certified copy of the same shall be evidence of the limits, streets, and alleys, of said town, in all suits and prosecutions to which the said Trustees of said town may be parties, or in which they may be interested. That the Trustees of said town shall have and exercise all the powers conferred on the Trustees of the said town, by the act to which this is an amendment, and all the powers conferred on Trustees of towns by the general laws of this State.
General powers.	
Part of street in Cynthiana, may be attached to grave yard.	SEC. 3. <i>Be it further enacted</i> , That so much of the street, in the town of Cynthiana as lies east of the grave yard, in said town, be and the same is hereby attached to the grave yard of said town: <i>Provided</i> , the Trustees of said town so direct.

Approved March 6, 1850.

CHAPTER 453.

AN ACT to amend the charter of the Versailles and McCoun's Ferry Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to incorporate a Turnpike Road Company from Versailles to

McCoun's Ferry, approved February 23, 1849, be so amended as to authorize said company to reduce the grade to twenty two feet, and the metal to fourteen feet, on such parts of said road as they shall deem expedient and proper.

1850.

SEC. 2. That the Board of Directors shall not be required to give notice of the calls on stockholders in any public newspaper, but shall post up written or printed notices in the town of Versailles, and such other public places in the county as they shall deem necessary, to give full notice.

Calls on stock.

SEC. 3. That the stockholders on the line of said road, living within one mile of said road, shall be exempted from working on other roads, one hand for every two shares of capital stock subscribed to said road.

Exemptions from working on other roads.

SEC. 4. Said Board of Directors shall have power to establish gates on said road, not nearer than one half mile of the corporation limits of the town of Versailles.

Approved March 6, 1850.

CHAPTER 454.

AN ACT for the benefit of the heirs of John Watt.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that some time since John Watt, who has since departed this life, sold, by parole, his undivided interest in a tract of land lying in Green county, on Russel's creek, containing about two hundred and fifty acres, (the same which descended to said John Watt from his father, James Watt,) to Susan Watt, who has since intermarried with one William M. Garrison. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for the guardians of said infant children of the said John Watt, or any who may hereafter be appointed for them, to file a bill in the Green Circuit Court, making the necessary parties, praying a sale of said land, or a confirmation of the sale above recited, and the Chancellor may decree a sale of said land, or a confirmation of said sale, so made by said John Watt, if he shall be satisfied that said sale was so made, and the money being paid, shall confirm said sale, if, in his opinion, said sale or confirmation will redound to the interest of said infants; and he shall render such decrees as will effect the same, requiring said guardian, or guardians, to execute bonds, with good securities, to abide by and perform such decree as the court may, in said case, render.

Approved March 6, 1850.

1850.

CHAPTER 455.

AN ACT declaring Obion creek, in Hickman county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Obion creek, in Hickman county, be and the same is hereby declared a navigable stream, from its mouth up to where A. Lockridge now lives.

Approved March 6, 1850.

CHAPTER 456.

AN ACT regulating surveyors of roads in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shall be the duty of all surveyors of public roads in Whitley county to have walks, or foot bridges, placed across all creeks and other small water courses, which are in said county, at their regular workings of said roads, at all places that any public or county road may cross such water courses that are not now bridged, within each of said surveyor's districts, for working any such roads. That any surveyor of roads, within said county of Whitley, failing or refusing to comply with the requisitions of this act, shall be subject to all the fines and penalties that they now are, for failing to keep such roads in good order.

Approved March 6, 1850.

CHAPTER 457.

AN ACT to incorporate the Combs' Ferry and Colbyville Turnpike Road Company.

Name & style,
and object.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed under the name and style of the Combs' Ferry and Colbyville Turnpike Road Company, for the purpose of making a McAdamized turnpike road from some convenient and practicable point on the Kentucky river, between the mouths of Howard's lower creek and Jouett's creek, through, or near Colbyville, so as to intersect the Winchester and Lexington Turnpike Road at the most convenient and practicable point between Henry Savary's store and the Widow Harrison's gate on said road; and said company, by said name and style, may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal, which they may alter, from time to time, as they may think proper. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each.

Power of com-
pany.

Capital stock,
& how divided.

SEC. 2. That books, for the subscription of stock, shall be opened in the town of Winchester, on the ——— day of

— next, or as soon thereafter as convenient, under the direction of William R. Duncan, John B. Houston, Samuel Wheeler, Cadwalader Jones, and J. N. Whitehead; at Colbyville on the same day, or as soon thereafter as convenient, under the direction of Hubbard Taylor, Jr., S. D. Martin, Wm. H. Spencer, James F. Taylor, A. Blackwell, and H. M. H. Taylor; at Savary's store on the same day, or as soon thereafter as convenient, under the direction of Henry Savary, Wm. McKenny, Howard Shaffer, and John P. Taylor; and at Germantown on the same day, or as soon thereafter as convenient, under the direction of R. C. Rogers, Faut Jones, Richard Webb, Caleb Parish, and E. H. Hockaday, or by any two of said persons at each place, who are hereby appointed commissioners for that purpose; and said books shall be kept open as long as said commissioners shall think proper; and the subscribers to the stock in said company shall enter into the following obligation, in said book or books, viz: "We, whose names are hereunto subscribed, promise to pay to the President, Directors, and Company of the Combs' Ferry and Colbyville Turnpike Road Company, the sum of one hundred dollars for every share of stock in said company set opposite our names, and agreeably to an act of the General Assembly incorporating said company. Witness our hands this — day of ——" Due and proper notice of the time and place of opening said books shall be given, by said commissioners, in some newspaper, or in such other manner as they may deem advisable.

SEC. 3. That as soon as twelve thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for President and six Directors, who shall hold their office for one year, and until their successors shall be elected and qualified. The President and Directors shall, before they enter upon the duties of their office, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President or Director, (as the case may be,) without favor or affection, according to the best of their ability; and the President and Directors, upon being qualified, shall appoint a Treasurer, and such other officers as they shall deem necessary, who shall hold their offices for one year, and until their successors shall be appointed. The Treasurer shall give bond, with two or more securities, in such penalty as the President and Directors of said company may require, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer; and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors; and that he will perform the duties required of him by the laws of said company.

1850.

Books when
and where opened.

Com'rs names.

Period for the
books to be kept
open.

Obligation of
subscribers.

Notice of opening
books, how
to be given.

Meeting of
stockholders to
be called to elect
officers.

President and
Directors shall
take oath.

Form of oath.

Treasurer
give bond, to
his
duty.

1850.

Provisions of
Danville & Hous-
tonville charter
adopted.

SEC. 4. That the provisions of an act, entitled, an act to incorporate the Danville and Houstonville Turnpike Road Company, approved March 1, 1844, from the 5th to the 35th sections inclusive, so far as the same may be applicable, and not inconsistent with this act, be and the same are hereby extended to the Combs' Ferry and Colbyville Turnpike Road Company, incorporated by this act.

Rates of toll
may be dimin-
ished.

SEC. 5. That the said President and Directors may, at their discretion, diminish the rate of tolls herein provided for, but in no event increase them.

SEC. 6. That the County Court of Clarke may, at their discretion, subscribe stock to aid in making said Road.

President and
Directors may
change plan, &c.

SEC. 7. That said President and Directors may, if in their opinion it should be deemed advisable, after due consideration, change the plan of said road, so as to construct the whole, or a part of it, of plank upon the most approved plan.

Approved March 6, 1850.

CHAPTER 458.

AN ACT to incorporate the Savings Bank of Covington, and Bowling-green, and for other purposes.

Name & style.
and corporate
powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be and is hereby created and established, in the city of Covington, an Institution, by the name of the "Savings Bank of Covington," and by that name shall be a body corporate and politic; may sue and be sued, contract and be contracted with, and have and use a common seal, and the same to alter and renew at pleasure; purchase, hold, sell and convey all such real and personal estate as shall be necessary and requisite for its legitimate purposes, and no other: *Provided*, said corporation may receive conveyance of such property as may be found necessary to secure any debt due it, or which may be sold under execution or decree in its favor.

Capital stock.

Corporators'
names.

To advertise
time and place
of opening the
books.

SEC. 2. The capital stock of said Bank shall be fifty thousand dollars, which may be increased to one hundred thousand dollars, independent of the stock deposits, divided into shares of one hundred dollars each. M. M. Benton, Tho. Greer, E. T. Rusk, Daniel Mooar, Sam. Holden, J. A. Keene, B. W. Foley, Philip S. Bush, and Ben. Young, are appointed Commissioners to open books, and obtain subscriptions of stock. They shall advertise the time and place of opening books, in such papers as they may deem proper, and appoint Commissioners at other places to receive subscriptions. When not less than two hundred shares are subscribed, the Commissioners, or any three of them, shall appoint and superintend an election

of five Directors, who shall hold their office until others are elected. They shall give ten days notice in the newspapers of said election; each stockholder being entitled to one vote on each share held. The annual election shall be held on the first Monday in April.

1850.

Annual election, when held.

SEC. 3. There shall be paid, at the time of subscribing, five dollars on each share, to the Commissioners, and then five dollars on each share every thirty days thereafter, until the whole stock shall be paid, when certificates of stock shall be issued therefor.

Subscriptions, how to be paid.

SEC. 4. The Directors shall elect one of their own body President, who shall preside at their meetings and sign all obligations, bonds and conveyances, which may be directed by the Board. They shall also appoint a Cashier, and such other officers as they may deem proper, and define their duties. They shall have power to make all necessary by-laws and rules for the government of the Institution; prescribe the terms on which deposits shall be received and paid out, and the rate of interest to be paid thereon, which shall not exceed six per cent. per annum. The business of this Bank shall be to receive money and other valuables on deposit, and deal in gold, and silver coin, and bullion, and bills of exchange, and purchase promissory notes at a rate of discount, not to exceed six per cent.; but shall not issue any notes or bills, or certificates of deposit, with the intention to circulate the same as such. Any notes or bills purchased by said Institution, drawn payable to at the same, or any Banking Institution, shall be put upon the footing of foreign bills of exchange; and the same remedy may be had thereon, except parties thereto shall not be liable to damages.

President to be elected.

Cashier to be appointed, &c.

Business of the Bank, &c.

SEC. 5. Dividends shall be made of the profits of the Institution semi-annually, on the first of January and July, and paid to the stockholders or passed to their credit. Any depositor who shall make known his intention to become a stockholder, and have the same so entered on the books of the corporation, shall be entitled to dividends in proportion to the amount deposited, and such dividend shall be added to his or her deposit until the amount shall be equal to a share, when a certificate of stock shall be issued, and so he or she may again deposit, from time to time, and receive certificates of stock, when the amount of deposits and dividends be sufficient therefor.

Dividends to be declared.

SEC. 6. The Directors may prescribe the manner in which the stock shall be transferred; and no person shall be eligible to the office of Director, unless he shall be the owner in his own right of at least five shares of the stock of the Institution; nor shall any stockholder vote, after the first election, upon any stock which he has not held, in his own right, in good faith, for three months next preceding the election.

Stock, how transferred.

1850.

Money, how
to be deposited.

SEC. 7. This Institution shall receive any sum offered during banking hours, on deposit, if not less than one dollar; and infants and femes covert may deposit therein and control the same so made.

Penalty for
refusing to pay
deposits.

SEC. 8. Should any person or persons, body politic or corporate, make any deposits of money, bank notes, or other valuable thing, in the office of the Institution, on the terms and conditions published or agreed on by the President and Directors, and draw for the same according to the terms of the deposit, and be refused payment thereof, or be unnecessarily delayed in receiving payment, said Institution shall forfeit and pay, to any such depositor damages, at the rate of twelve per cent. per annum, for the delay occasioned, to be recovered by action in any court of record in this State having jurisdiction thereof: and should they, at any time, fail and refuse to pay the money deposited with them, or shall commit any willful violation of this charter, this act shall cease; and it shall be lawful for the Chancery Court, upon bill filed for that purpose, and sworn to by any citizen of this State, to appoint Commissioners to take possession of said Institution, and close its affairs, under a decree of said Court, and apply the effects of the corporation to pay demands against it, *pro rata*, according to their several demands.

Savings Bank
of Bowlinggreen
established, and
names of corpo-
rators.

SEC. 9. *Be it further enacted*, That the Savings Bank of Bowlinggreen is also hereby established, and James Hines, John B. Helm, R. W. Ogden, E. M. Covington, George B. Adams, and A. G. Hobson, are appointed Commissioners to open books for the stock therein; and all the provisions of this act shall apply as fully to the Savings Bank of Bowlinggreen as they do to the Savings Bank of Covington.

Provisions of
foregoing act to
apply to New-
port Savings In-
stitution.

SEC. 10. *Be it further enacted*, That the provisions of the foregoing act, shall apply to the city of Newport, and that an Institution, by the name of the Newport Savings Institution, with a capital stock of fifty thousand dollars, is hereby established, under the provisions and restrictions of the above act; and that Henry K. Lindsey, L. M. Echert, John Lee, Jesse Justice, Samuel Winston, James E. Perry, and F. A. Boyd, are hereby appointed commissioners to carry this act into effect.

New Castle
Savings Institu-
tion established,
and provisions
of foregoing act
to apply.

SEC. 11. *Be it further enacted*, That the New Castle Savings Institution is hereby established, with a capital of fifty thousand dollars, divided into shares of twenty dollars each, and all the provisions of this act, shall apply to the New Castle Savings Institution in every respect, (except above indicated,) as though they were re-enacted at full length, and books for the subscription of stock shall be opened in the town of New Castle and such other places as deemed proper, at such times as may be agreed upon, under the direction of the following persons, to-wit: J. R.

Berryman, W. S. Voiers, W. W. Buckley, Daniel Brannin, W. S. Pryor, Thomas Brown, Jr., Robert Samuel, Jonathan Martin, and H. K. Lucas.

1850.

Approved March 6, 1850.

CHAPTER 459.

AN ACT for the benefit of the Grant Circuit and County Court Clerk, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Clerk of the Grant Circuit and County Courts be and he is hereby allowed the further time of two years, to list all of his unlisted fee bills, from the year 1842 to 1847, inclusive.

Clerk Grant
Circ't and C'ty.

SEC. 2. That the Clerk of the Barren County Court have the time of two years from the passage of this act, to list and collect his fee bills, as Clerk of said court.

Clerk Barren.

SEC. 3. That the Judge of the Crittenden Circuit Court may, for the purpose of appointing a Clerk of said court, hold a special term thereof on or before the second Monday in May next.

Judge Crittenden may appoint Clerk.

SEC. 4. That the Judge of the tenth Judicial District shall, and it is hereby made his duty to hold a chancery and common law term of the Estill Circuit Court, on the fourth Monday in June, 1850, and continue twelve juridical days, if the business of said court shall require it.

Duty of Judge
tenth Judicial
district.

SEC. 5. That Edwin Trimble, Clerk of the Floyd Circuit and County Courts, have the further time of two years to list and destrain for fee bills, as Clerk aforesaid.

Clerk Floyd
Circuit & C'ty
Court.

Approved March 6, 1850.

CHAPTER 461.

AN ACT for the benefit of the Lexington and Newtown Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the President and Managers of said company for the time being, shall be, and they are hereby authorized and empowered, from time to time and as often as they may deem it necessary, (a majority of the whole concurring,) to mortgage the whole or any part of the joint property of said company, including its said road, or any part thereof, or the whole nett income thereof separately, or any fixed and definite portion of said income, for the purpose of completing said road, according to their original charter, or for making repairs and improvements upon it, or any part thereof, from time to time, as completely and fully and to all intents and purposes, in law and equity, as effectually and amply as any private person can by

President and
managers may
mortgage road
and its income
to complete it,
or for repairs.

1850.

Mortgage, how
to be executed.

deed of mortgage encumber, convey, or put under ~~lien~~ or trust his private estate or property of any kind or description. And said mortgage shall always be executed under the sign manual of the President for the time being of said company, and countersigned under the sign manual of the Secretary for the time being, and shall be held and taken and have all the effects of similar instruments when executed by private persons.

May allow on
money borrow-
ed, any interest
not exceeding 10
per cent. per an-
num.

SEC. 2. *Be it further enacted*, That said President and Managers for the time being, shall be and they are hereby authorized, to allow, give and pay, for the use of any money borrowed by them, under the foregoing section, either by mortgage or upon simple notes or bonds of the company, or both united, an annual interest payable year by year, or otherwise as they may contract to pay, equal to any sum not to exceed ten per centum per annum, as interest for the use of money loaned to said company. And the covenants and undertakings of said President and Managers, shall be, to all intents and purposes, as binding in this respect, as if they were merely for six per centum per annum; and their bonds shall be as binding, valid and obligatory as the bonds of private persons: *Provided, however*, that they shall not contract debts or obligations, under this act, to the amount of more than ten thousand dollars in all, which shall be due or outstanding at any one time; and if they shall violate this proviso, the President and Managers who do so, shall be personally responsible for all the debts they may create under this act.

Covenants,
&c., for interest,
binding.

Nett proceeds
of the whole
road, or that
part mortgaged
to be set apart
to pay principal
and interest.

SEC. 3. *Be it further enacted*, That the entire nett proceeds of the whole road, or of the part particularly mortgaged, as the case may be, shall be set apart and appropriated to pay and discharge the principal and interest, as they may fall due, of all debts according to their terms and conditions, which may be created at any time, under the authority of this act. And no dividends, out of the earnings of said road on the part of it mortgaged, shall ever be divided or paid over to any stockholder in said company, upon any stock held in it, while there shall be left unpaid any interest or principal of any debt then due and payable, which shall have been created on the authority of this act. And if the said President and Managers, for the time being, shall ever violate the provisions of this section knowingly, then, and as often as they shall do so, they shall become personally liable for the whole principal and interest thus fraudulently left unpaid.

No dividends
to be declared
while debts re-
main against
road.

Penalty for
declaring divi-
dends before
debts paid.

SEC. 4. *Be it further enacted*, That inasmuch as the said company has been obliged to erect, at great cost compared with the whole cost of their said road, two bridges, one upon main North Elkhorn, where it is a large stream, and another upon Little North Elkhorn, near its mouth, which bridges, and especially the former, are liable to be damag-

ed and destroyed, at any time, by the high water and drift in said creeks, as former bridges have been at the place where their main bridge is to be erected—therefore, said company shall be and it is hereby authorized and empowered to estimate the cost of said bridges, in their original construction, and to charge toll upon their said road, as if it was as much longer than it actually will be, as the money expended in erecting the said two bridges would have made it, provided it had been expended in constructing more road at the average cost of all the rest of said road: *Provided*, that this estimate shall never be used to lengthen said road more than two miles, under any circumstances whatever: *And, provided also*, said company shall always keep both bridges in a safe condition for passing over them all the travel on said road.

SEC. 5. *Be it further enacted*, That said President and Managers for the time being may put up their toll gates as near to the city of Lexington, and the village of Newtown, as any other company may by law put their toll gates to any city, town or village. And until they can make permanent arrangements for the erection of their houses, for the occupancy of their toll gate keepers, they may occupy with said houses temporarily such portion of the track or side of said road, or of the old Henry's mill road, and other highways along which their said road is laid, as may be necessary, so as not to obstruct inconveniently the travel along their said road. And at all places where their said road shall depart from the bed of the said Henry's mill road, that the old road may, in those places, be closed up by the persons owning the land on which it runs in said places, and it shall cease to be a public highway, as soon as the said turnpike is completed and opened for travel at said cut-offs—all the rest of said Henry's mill road being used by the original charter of this company as the bed of said turnpike. But the owners and occupiers of land adjacent to said turnpike, and to said Henry's mill road, shall not encroach upon either of said roads, under color of the foregoing enactment, but the whole width of the road, heretofore used as a public highway, along said Henry's mill road, wherever its bed is used as the bed of the said turnpike, shall be and remain a public highway, authorized by the charter of the aforesaid company, free and open for the use of the public upon the payment of the usual legal rates of toll.

SEC. 6. *Be it further enacted* That in order to prevent any future difficulties, and to give entire security to any person who may loan money to the said company, under the provisions of this act and to quiet all doubt, all the past actings and doings of the said company, and of their said President and Managers, so far as matter of form only may be concerned, or so far as matter of substance may be con-

1850.

May increase toll on account of the cost of bridges.

Toll gates to be erected, how and when.

May occupy temporary toll gates.

Old road, how & when closed.

Owners of land on Henry's mill road, not to encroach on turnpike, &c.

Former acts of President and Managers legalized.

1850.

cerned, saving the just rights of third parties, are hereby legalized and given all the validity, both against and for said company, which they would have had, if any part of said doings, which might have been supposed to have been irregular, had strictly conformed to the minutest directions of their original charter, the intention of this section being to promote the proper and lawful objects of said company, and to protect and secure the rights of third parties dealing with it, and to remove all possible ground of fraud, litigation and uncertainty in the premises.

Approved March 6, 1850.

CHAPTER 462.

AN ACT to amend the act to incorporate the Paris, Winchester and Kentucky River Turnpike Road Company, and for other purposes.

Capital stock,
how and when
applied.

Corporation,
when separate
& distinct pro-
visions.

Name & style.

Books when
and where open-
ed.

Commission-
ers' names.

Com'rs to ad-
vertise.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, until the Paris, Winchester, and Kentucky River Turnpike Road shall have been completed, according to the terms of its charter, the capital stock which may be subscribed for the construction of said road from the town of Winchester to the Kentucky river, shall and may be applied to the exclusive construction of said section of said road; and whenever individual stock shall be subscribed for such purpose, to the amount of three thousand dollars, the subscribers shall constitute a separate and distinct corporation, according to the provisions of the fourth section of the act incorporating the Paris, Winchester, and Kentucky River Road Company, and for other purposes, approved February 25, 1848, and said subscribers shall proceed to organize their said company by electing a President and four Directors, and such President, Directors and Company shall be known and designated by the name and style of the Winchester and Kentucky River Road Company, and shall have every power, privilege and right appropriated to the construction of the section of said road, which may belong to the separate company and organization of said Paris, Winchester, and Kentucky River Road Company, for the county of Bourbon.

SEC. 2. That books for the subscription of stock, for the construction of said road from Winchester to the Kentucky river, be opened at such times and places as may be fixed on by the commissioners; and in addition to those heretofore designated, H. G. Poston, John B. Houston, F. Bush, F. F. Jackson, and Edmund Hockaday, are hereby appointed commissioners.

SEC. 3. That said commissioners shall first advertise the time or times that they may open books, for the purposes in the foregoing section specified, a reasonable length of time previous thereto, by written or printed advertisements in the town of Winchester and along the line of said road.

SEC. 4. *Be it further enacted,* That the Board of Internal Improvement of Kentucky shall have the power to rent or lease all or any portion or section of the said Owingsville and Big Sandy Turnpike Road, on such terms and conditions as the said Board may deem right and proper, consistent with the best interest of the Commonwealth and the good citizens of the section of country through which said road is located. The said Board shall have full power to do all things needful to protect said road, and repair the same, or any part thereof; and in order to effect that purpose, they shall have power to contract with any person or corporation, who may lease or rent the same as aforesaid; to repair or furnish all or any portion of said road with stone, plank, or other hard material, in such manner and style as the said Board may elect: *Provided,* that nothing herein shall be construed to authorize said Board to appropriate any money out of the Public Treasury, or in any way to pledge the faith or credit of this Commonwealth, in the repair or completion of all or any part of said road.

1850.

Board Internal Imp. may rent or lease the Owingsville and Big Sandy road.

Powers of the Board for repairs.

SEC. 5. That a company is hereby formed, for the purpose of making a turnpike road from the city of Lexington, to intersect the turnpike road leading from Frankfort to Versailles, at or near the farm of Richard Jackson, in the county of Woodford. Said proposed road shall leave the city of Lexington at or near the point where the old Frankfort road is now located, and pass through such lands to its intersection of the Versailles turnpike, as the President and Managers of the company shall select.

Turnpike Co. formed to make road from Lex. to intersect the Frankfort road.

SEC. 6. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each; and subscriptions may be taken up by each of the Commissioners hereinafter named, for one year after the passage of this act, unless the whole amount shall be sooner taken up.

Capital, and how divided.

SEC. 7. The following persons are hereby appointed Commissioners, to perform the duties required by this act: in the county of Fayette, Geo. Robertson, Henry C. Payne, Abram Vanmeter, and John Steele; and of the county of Woodford, Jacob Harper, — Turney, R. D. Harris, Chas. Alexander, M. B. Gratz, Spencer Anderson, and William Robinson, M. D.

Com'rs names

SEC. 8. Said Commissioners, or as many of them as may act, shall procure one or more books or subscription papers, in which the persons taking stock shall bind and oblige themselves, in writing, to pay to the Lexington and Frankfort Turnpike Road Company, (by which name and style said company shall be known,) the sum of one hundred dollars for each share subscribed for by them, in such proportion and at such times, as shall be determined by said company or corporation.

Obligation.

SEC. 9. As soon as two hundred shares in said compa-

1850.

Com'r's duty
to give notice of
election of offi-
cers.

Votes, how
regulated.

Width &c., of
road.

County Court
may subscribe
stock.

Powers com-
pany when or-
ganized.

Provisions of
Maysville and
Lexington char-
ter applied.

Exceptions.

No. of gates,
and how regula-
ted.

Hands of share-
holders, how ex-
empt from work

ny are subscribed for, it shall be the duty of said commis-
sioners, or as many of them as may act, to give two week's
notice, in some newspaper printed in the city of *Lexington*,
of a meeting of the stockholders at some convenient place
in the city of *Lexington*, or at some point along the route
of the proposed road, for the purpose of choosing officers
of said company; and in choosing said officers, the stock-
holders shall vote according to the number of shares they
hold respectively, one vote for each share.

Sec. 10. The width of the road shall not be less than
thirty feet nor more than fifty feet; and the artificial part
thereof covered with stone shall not be less than twelve
feet wide. The elevation of the grade of the road, shall
be fixed and regulated by the President and Managers of
the company.

Sec. 11. It shall be lawful for the Fayette and Woodford
County Court, the Trustees of any towns, or any corpora-
tions created by law, and for all natural persons, to subscribe
for and hold shares in the capital stock of said company,
and such artificial persons or bodies as may subscribe, shall
have the same right to represent their shares by an agent
as other stockholders have.

Sec. 12. So soon as the said company is organized, the
President, Managers, and other officers, shall possess all the
authority, rights and privileges, and shall do all the acts
and things necessary for carrying on and completing the
said turnpike road, as well as laying out and locating the
said road; and shall be subject to all the duties, qualifica-
tions, restrictions, penalties, pains, and forfeitures, (if any)
and be entitled to like tolls and profits, as those given and
granted to the Maysville and Lexington Turnpike Road
Company; and all the provisions of the act approved Janu-
ary 22d. 1827, incorporating the Maysville and Lexington
Turnpike Road Company, are hereby enacted as part here-
of, except so far as provided for in the preceding part of
this act, or may come in collision with the provisions of the
same. And except also, so much of the 14th section there-
of as requires notice to be given to the Governor when five
miles of said road shall be completed, and a license from
him to erect gates, &c. The President and Managers of
said road being hereby authorized to perform that duty,
and, also, excepting the 27th, 28th, and 29th sections of that
act.

Sec. 13. There shall not be more than four gates on said
road, and they, or any less number, shall be put up at such
convenient places as the President and Managers shall,
from time to time, direct.

Sec. 14. The shareholders in said road shall have ex-
empted from work on the dirt road, one hand for each share
of stock they may subscribe.

Sec. 15. *Be it further enacted*, That an act, entitled, an
act to incorporate the Augusta, Cynthiana, and George-

town Turnpike Company, approved February 28, 1835, be and the same is hereby revived and declared to be in full force, so far as to authorize the said company to lay out and make a turnpike road from Augusta to Cynthiana, or from Augusta to any intermediate point, or from Cynthiana to any intermediate point; and that B. H. Rankin, George Green, Vachel Weldin, Marcus Ware, William Thompson, James Mofford, John A. Hamilton, William M. Best, and Joshua T. Bradford, of Bracken county; and S. B. Curran, Edwin Jackson, Nimrod Whitehead, Paul King, Lucius Desha, William G. Tucker, A. L. Thompson, W. W. Trimble, and J. O. Hodges, of Harrison county are hereby appointed commissioners, with power to open books for subscription of stock in said company, at such times and places as said commissioners, or any three of them, may appoint; notice of such times and places being given in some newspaper in general circulation in the counties of Harrison and Bracken.

Sec. 16. That the capital stock of said company shall be divided into shares of fifty dollars each. All of the provisions of the act hereby revived, are declared to be in full force; and four years are allowed for said company to organize from and after the passage of this act; and that said company shall have the power to construct any part or parts of said road of plank.

Sec. 17. That the said company may construct said road or any part thereof at an elevation not greater than that allowed to the Maysville and Lexington Turnpike Road Company.

Approved March 6, 1850.

1850.

Charter Augusta, Cynthiana and Georgetown road revived.

Com'rs names.

Powers and duties of Commissioners.

Capital stock, and how divided.

Road how constructed.

Elevation, &c.

CHAPTER 463.

AN ACT for the benefit of the heirs of John H. Bell, deceased.

Whereas, it is represented that it will promote the interest of the infant heirs of John H. Bell, deceased, that a sale shall be made of their interest and estate in and to 117½ acres of land, lying in Scott county, which was assigned and laid off to their mother, Elizabeth Ann Stone, formerly Elizabeth Ann Bell, as her dower in the landed estate of which said John H. Bell died seized. Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Francis P. Stone, guardian of Joseph M., Emily J., and Sarah A. Bell, be and he is hereby empowered to file a bill in the Scott Circuit Court, in the name and on behalf of said wards, for the sale of their interest in the above mentioned one hundred and seventeen and one half acres of land, assigned to his wife, Elizabeth Ann Stone, as her dower in the landed estate of John H. Bell, deceased; and the Judge of said court may

1850.

decree a sale of the interest of said wards in said lands, if said sale shall appear to be for their advantage : first, requiring bond from said guardian, with good security, in an adequate penalty, to appropriate the proceeds for the benefit of said wards, in such manner as the court may direct, or to hold the same subject to the orders of said court.

SEC. 2. That Lucy P. Chrisman, one of the heirs of John H. Bell, deceased, an infant under the age of twenty one years, may unite with her husband, James S. Chrisman, in the sale of her interest in said land, and a deed to the same, executed by them, shall be as valid as if said Lucy P. Chrisman was of full age.

SEC. 3. That said court may decree that the proceeds of the interest of said wards, in the first section mentioned, be invested in other land, provided that said guardian and his wife, Elizabeth Ann Stone, shall unite in the sale of the dower interest of said Elizabeth Ann; and in that case, the title to said other land shall be vested in said Elizabeth Ann Stone for life, with remainder to said wards.

Approved March 6, 1850.

CHAPTER 464.

AN ACT for the benefit of Ann M. Sartain, and others.

Whereas, George F. Sartain purchased of A. R. McKee a house and two lots in the town of Lancaster, known on the plat of said town as lots No. 51 and 71, at the price of \$2,200, and at the instance and request of said Sartain, the said McKee executed a title bond, to a Trustee therein named, agreeing that, upon the payment of the purchase price of said house and lots he would convey to said Trustee, or any other Trustee who might be chosen by Ann M. Sartain, wife of said George F. Sartain, the said house and lots in trust for the use and benefit of said Ann, and the heirs of her body : and, whereas, in making the last payment for said house and lots, the said George F. Sartain sold to said McKee two tracts of land near Lancaster, at the price of \$1,250—one of which tracts of land estimated at thirteen acres, or there about, and the same allotted to said George by Commissioners appointed by the Garrard County Court to divide and allot the land of Elijah Sartain, deceased, and the other tract estimated at a little upwards of twelve acres, and the same land sold and conveyed by Henry G. Stemmons, and wife, to said George F. Sartain—in which two tracts of land the said Ann M. Sartain has, or may be entitled to dower : and, whereas, it is represented that the said Ann M. Sartain is under the age of twenty one years, and is very desirous that the said Alexander R. McKee shall make a deed of trust to Sey-

mour Hopper, who she has chosen as Trustee for herself and children, for said house and lots, without reserving in said deed a lien for any dower she might become or be entitled to in the tracts of land sold to McKee by Sartain; and also, that she may be made capable, in law, to relinquish her dower in said lands, in order to carry into effect the contract between Sartain and McKee. Therefore,

1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Ann M. Sartain, wife of George F. Sartain, be and she is hereby declared capable, in law, of relinquishing her right of dower in the two tracts of land hereinbefore mentioned; and when she signs, delivers, and acknowledges any deed of conveyance to said McKee, for said lots, in the manner now required by law, for *femes covert* to be divested of dower in real estate, the same shall be as binding and effectual to pass all her right to dower in said lands as if she were of the age of twenty one years.

May relinquish dower, &c.

Approved March 6, 1850.

CHAPTER 465.

AN ACT to incorporate the Columbus City Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Ben. Edwards Grey, Joseph R. Perkins, John P. Grey, W. H. H. Taylor, and Walter E. Warfield, or any two of them, be and they are hereby appointed Commissioners, with power and authority, at such times and places as they may deem expedient, to open books of subscription, and that the owners of the shares herein authorized, be and the same are hereby created a body corporate, by the name and style of "the Columbus City Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and prosecute to final judgment, in all courts and elsewhere; and may have and use a common seal, and change the same at will; and may purchase, receive in donation, or otherwise acquire goods, chattels, and effects, and lands, and estate, real, personal, and mixed, and have, use, possess, lease, rent, sell, transfer, and convey, or otherwise dispose of the same; and do and perform all acts, and exercise and enjoy all the rights, powers, and privileges, which are or may be necessary and proper for them to do or have as a corporate body; and especially to purchase lands in and near to the town of Columbus, in Hickman county, and to lay off the same into lots, and to sell, lease, rent, improve, or otherwise dispose of the same.

Com'rs names.

Com'rs to open books.

Name & style, powers.

SEC. 2. The management of the business and property of the company shall be under the charge of five Directors, one of whom shall be President; and these Directors shall

Officers, how chosen, when & where.

1850.

be chosen by the shareholders; the first five at such time as may be named by and under the superintendence of the Commissioners named in the first section of this act, and their successors at such times and in such manner as may be prescribed by the by-laws.

May pass by
laws, &c.

SEC. 3. The Directors may enact by-laws, rules, and regulations, for the government of the business and management of the property of the company, and alter and amend the same at will; and may appoint such officers and agents as they deem necessary and proper, and define their powers and duties, and fix their compensation: *Provided*, such by-laws and regulations are consistent with the constitution and laws of this State, and of the United States.

Capital stock,
and how divid-
ed.

SEC. 4. The capital stock of said company shall consist of one thousand shares of one hundred dollars each, of which the lands of the said Ben. Edwards Grey, and his associates, may constitute a part, at a price to be agreed upon by the Directors of the company; and said capital stock may be increased, from time to time, at the discretion of the Directors: *Provided*, that the same shall, at no time, exceed thirty thousand shares over and beyond the value of the real estate of said company: *And, provided further*, that said company shall, at no one time, own more than five thousand acres of land.

Votes, how
regulated.

SEC. 5. In all elections for President and Directors of said company, and in all other elections, and on all occasions, wherein a vote of the shareholders of said company is to be taken, each shareholder shall be allowed one vote for every share owned by him, her, or it, and every shareholder may, in writing, depute any other person to vote for him, her, or it, as his, her, or its proxy; and the shares of said company shall be deemed personal property, and may be transferable only on the books of the company, in such manner as the by-laws may direct.

Capital, if dis-
tributed leaving
debts, President
and Directors
liable.

SEC. 6. If at any time the President and Directors shall distribute the capital of said company, leaving debts due and unpaid, any creditor of said company may, by an action founded on this act, recover from any shareholder whatever part of the capital may have been so paid to him as a shareholder, or so much thereof as may be sufficient to pay the debts thus due; and such shareholder being thus compelled to pay any debts of said company may, by bill in equity, compel each and all the other shareholders to refund to him a proportionate part of the sums thus paid.

Dividends, &
how declared.

SEC. 7. If the President and Directors shall, at any time, declare and pay a dividend when the company is insolvent, knowing it to be so, or shall knowingly declare and pay any dividend, the payment of which will render the company insolvent, the Directors assenting thereto shall be jointly and severally liable to pay all the debts of the company due at the time of declaring such dividend.

SEC. 8. The Legislature may, at any time, for just cause, repeal or modify this act, and prescribe the manner of adjusting the business and affairs of the company: *Provided*, due and sufficient notice be previously given to said company that an application will be made to the Legislature for such purpose.

1850.
Charter may
be modified.

Approved March 6, 1850.

CHAPTER 466.

AN ACT to amend the charter of the Louisville Marine and Fire Insurance Company, and Firemen's Insurance Company of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charters of the Louisville Marine and Fire Insurance Company, and of the Firemen's Insurance Company of Louisville, be and are hereby so amended as to give to said companies all the powers, rights, and privileges, granted by the charter of the Merchants' Louisville Insurance Company.

Approved March 6, 1850.

CHAPTER 467.

AN ACT authorizing James H. Savage, and his wife, to convey part of a lot in the town of Springville.

Whereas, it is represented to the present General Assembly, that John Makay, late of the county of Greenup, devised, by his last will and testament, to his daughter, Levina Savage, and her children, one half a lot in the town of Springville, in the county of Greenup, containing about one hundred and fifty feet front, which lot is unimproved and unproductive; and, whereas, it is also represented, that by making sale of said undivided half of said lot, the said Levina, and her children, could greatly better their condition, by removing to Missouri, and receiving a tract of land from P. M. Savage, which is worth greatly more. Wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for said Levina Savage, together with her husband, James H. Savage, to sell and convey the entire interest which said Levina has in and to said undivided lot in the preamble mentioned, to any person who may purchase the same.

SEC. 2. *And be it further enacted*, That said James H. Savage, as guardian of his children, shall enter into bond, in the sum of five hundred dollars, before the Greenup County Court, with good security, conditioned to invest the proceeds of the sale of the lot in lands in the State of Missouri, or some other state or territory, for his said wife and

1850.

children; and upon the said James H. Savage complying with the provisions of this section, the deed which he may afterwards execute in the name of his children, shall be good and valid in law, to vest the legal title in the grantee, as fully as it is now vested in Levina Savage, and her children, by the will of John Makay, deceased.

Approved March 6, 1850.

CHAPTER 468.

AN ACT to incorporate the town of Hustonville, in Lincoln county, and to change the boundary of said town.

Trustees how
to be appointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That W. E. Dailey, Joseph Cooper, G. W. Welsh, G. D. Weatherford, and Robert Dinwiddie, are hereby constituted and appointed Trustees for the town of Hustonville, who shall continue in office for one year from and after the first day of April, 1850, and until their successors are duly elected and qualified.

Corporate
powers, &c.

SEC. 2. *Be it further enacted*, That the aforesaid Trustees are hereby created a body politic, in law and in fact, with perpetual succession, by the name and style of "the Trustees of Hustonville;" and by the name and style aforesaid, they are hereby made able and competent, in law, to sue and be sued, plead and be impleaded; and as such shall have and enjoy all the privileges, immunities, and franchises, of a body corporate.

Annual elec-
tion Trustees.

SEC. 3. *Be it further enacted*, That it shall and may be lawful for the free male inhabitants of said town of Hustonville, who have attained the age of twenty one years of age, (negroes, mulattoes, and indians excepted,) to meet at the usual place of holding elections in said town, on the first Monday in April in every year, and to elect five Trustees for said town, who shall be citizens thereof; which Trustees, so elected, shall possess the powers hereinafter delegated; and a majority of said Trustees shall constitute a board.

By-laws may
be enacted.

SEC. 4. That the Trustees aforesaid are hereby vested with authority to make such by-laws, for the better regulation of said town, as to them shall seem expedient, not in contravention of the constitution and laws of this Commonwealth; that said Trustees, or a majority of them, shall have full power and authority to levy a tax, annually, upon any property, real and personal, and on every white male citizen over twenty one years of age, who shall have been residing in said town six months, on the first day of January, 1850: *Provided*, they shall not, in any one year, levy any tax exceeding fifty cents upon each one hundred dollars' worth of property, nor any poll tax exceeding one dollar per head.

Taxes may be
levied.

SEC. 5. That the taxes, so to be collected by the Trustees aforesaid, shall be, by them, applied towards paving and improving the streets, and such other purposes as the Trustees may direct.

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Taxes appropriated.

SEC. 6. That the said Trustees shall appoint one or more of their own body, as to them it may seem fit, to make an assessment of all the taxable property in said town, in order to fix the sum to be paid by the owners or proprietors of said property, which assessment shall be the same as was given in to the county at the last assessment; and, also, that slaves shall only be subject to poll tax; and shall return the list of assessed property to the Board of Trustees.

Assessor to be appointed.

SEC. 7. That the Trustees, or a majority of them, shall appoint some fit person to collect the taxes imposed by them, who shall collect and account for the same to the Trustees within six months after he shall have been furnished with a list of said taxes; and if any person shall fail or refuse to pay the same, the said collector shall make distress and sale of property, by giving twenty days' notice, by advertisements at three of the most public places in said town: *Provided, however,* that no lot, nor parts of lots, be sold to satisfy tax due thereon, where sufficient personal property can be found.

Collector to be appointed.

SEC. 8. That the Collector shall give bond, with security, to the said Trustees, for the faithful discharge of his duty; and that the said Trustees make such allowance in money to their Clerk and other officers as to them it may seem fit, to be paid out of any moneys collected in pursuance of this act.

Pay to officers.

SEC. 9. That the Trustees shall appoint their Clerk, or any other officer they may think proper, who shall continue in office for and during the time for which the Trustees shall remain in office; and the said Trustees shall have power to remove any officer, by them appointed, for neglect of duty or malfeasance in office, and appoint another in the place of the person so removed.

Term of office, officers may be removed.

SEC. 10. That each and every one of the Trustees elect, before entering upon the discharge of the duties of his office, shall severally take an oath faithfully to discharge the duties assigned them by this act; which oath shall be administered by some Justice of the Peace, and recorded by their Clerk; likewise, the Clerk of the board shall take an oath, before entering upon the duties of his office, faithfully to keep and preserve the books, papers, &c., confided to him, and to make true and correct entries of all by-laws passed by the Board of Trustees; which oath shall be administered by the President of the board.

Trustees to take oath.

Clerk to take oath.

SEC. 11. That after the Board shall have been duly elected and qualified, then it shall and may be lawful for the President of the board to administer the oath to their suc-

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Vacancies, &
how filled.

cessors in office; and in case any vacancy or vacancies shall happen in said board of Trustees, by death, resignation, or otherwise, between the annual election for Trustees for said town, the remaining Trustees, or a majority of them, shall fill such vacancy by appointment; and the Trustee or Trustees, so appointed, shall continue in office until the next general election for Trustees.

Penalty for
breach by-laws,
&c.

SEC. 12. That the Trustees are hereby authorized to recover any sum of money, not exceeding ten dollars, for every breach of their by-laws or ordinances, which fine shall be recovered before any Justice of the Peace for the county of Lincoln, in the name of the "Trustees of Hustonville;" which fine shall be applied to the use and benefit of said town: *Provided however*, that the said Trustees shall, before they can recover any fine for a breach of their by-laws or ordinances, have a fair copy of their by-laws and ordinances set up at one or more of the most public places in said town, at least two weeks before the offence shall have been committed.

Notice of elec-
tions.

SEC. 13. That it shall be the duty of the Clerk of the board to give notice of the time and place of election, by advertisement at three of the most public places in said town, at least one week before the annual election for said Trustees; which election shall be conducted by the Trustees then in office, and Clerk; and those receiving the highest number of votes shall be declared elected.

Treasurer to
be appointed, &
give bond.

SEC. 14. That the board of said Trustees shall appoint a Treasurer, who shall be of their own body, who shall continue in office one year, and shall give bond, payable to the President of the board, with such security and penalty as shall be approved by the board, conditioned for the faithful performance of the duties of his office; which bond may be put in suit and a recovery had for a breach thereof.

Qualification
of Trustees.

SEC. 15. That no person shall be elected a Trustee of said town unless he shall be an inhabitant thereof, and is above the age of twenty one years.

The Boundary
fixed.

SEC. 16. That so much of the act, approved January 29, 1836, as defines the boundaries of said town, shall be and the same is hereby repealed, and that the boundaries of said town shall be as follows, to-wit: beginning at a stone on the north bank of the Hanging fork, about six poles below the mouth of the first branch below Hustonville, and at the west line of the old Presbyterian Church, and running with the same to its north west corner, and continuing north seventeen and a half degrees west, being ninety four poles from the beginning, to a stone in John M. Lewis's field; thence south seventy two and a half degrees west, one hundred and thirty poles, to a stone in George Carpenter's field; thence south seventeen and a half degrees east, ninety four poles, to a stone on the south bank of the south

fork of the Hanging fork; thence meandering with the 1850.
Hanging fork to the beginning.

Approved March 6, 1850.

CHAPTER 469.

AN ACT for the relief of Benjamin Copelin, late Sheriff of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin Copelin, late Sheriff of Hart county, be and he is hereby released from the payment into the Treasury of the sum of nineteen hundred and twenty six dollars and eighty four cents, of the revenue of said county for the year 1848—and that the Second Auditor credit him with the release of that sum—it appearing that said Copelin had forwarded said sum by the hands of the Representative of said county and the same was lost: *Provided*, that nothing herein shall be construed so as to release said Copelin from the costs in the judgment rendered against him by the General Court for said revenue.

Approved March 6, 1850.

CHAPTER 471.

AN ACT for the benefit of George W. Bryan's Administratrix.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Elizabeth A. W. Bryan, administratrix of George W. Bryan, deceased, is hereby authorized and empowered to sell land warrant, number 41214, for 160 acres of land, issued in the name of Joseph L. Holloway, late a private in Captain Metcalfe's company, 3d Regiment Kentucky Volunteers, bearing date December 1, 1848; also, another land warrant, number 41420, for 160 acres of land, issued in the name of William E. Fisher, late a Sergeant, and subsequently a Lieutenant, in Captain Simms' company, 2d Regiment of Kentucky Volunteers, the said warrants being the property of the said George W. Bryan, at his death, by purchase. That said Elizabeth A. W. Bryan, as administratrix aforesaid, upon such sale being made by her, shall have full power to transfer the legal title to said two land warrants by her written assignment, or by any other mode known to the laws of the United States, by which similar warrants are permitted and authorized to be passed and transferred from one person to another; and her transfer, when thus made, shall confer upon the person, or persons, to whom the same shall be made, a full and perfect title thereto; and the proceeds of the sale of said two warrants shall remain in her hands as assets of the estate of her intestate, and shall be accounted for by her according to law.

Approved March 6, 1850.

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CHAPTER 372.

AN ACT to charter the Louisville and Bowlinggreen Railroad Company.

Com'rs names.

Name & style
of company.Books may be
kept open.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Virgil McKnight, James Guthrie, Curran Pope, Levi Tyler, Alfred M. Thruston, Wm. E. Glover, Ben. Adams, W. Garvin, W. C. Fellowes, Willis Stewart, Isaac Miller, Joshua F. Speed, and Sam. Churchill, of the city of Louisville and county of Jefferson; Sam. B. Thomas, H. B. Helm, S. V. Leedom, Wm. Bethel, Richard Richards, R. Perciful, C. G. Wintersmith, and John L. Helm, of Hardin county, be and they are hereby appointed Commissioners, under whose direction, or any three of them, and such others as a majority of the Commissioners herein appointed, in any county or town in the State of Kentucky, or within any of the States, or out of the United States, subscriptions of stock may be received to constitute the capital stock for the construction of a Railroad from Louisville to Bowlinggreen, terminating at such point as the road may terminate constructed under the provisions of this act, and for that purpose a company is hereby incorporated. The said Commissioners, and such as may be appointed, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given notice of the times and places of opening the same as they may deem proper; and after the first opening of such books, they may continue them open for such time, and may adjourn to such places, as they may deem expedient; and if such a subscription to the capital stock of said company as may be necessary to its incorporation shall not have been obtained, the Commissioners, a majority of them concurring, may cause said books to be opened and kept open, from time to time, and at such places as may seem expedient, until the sum necessary for the incorporation shall be subscribed: *Provided*, that any subscription, tendered at any time or place other than that advertised by said Commissioners, if accepted, shall be as valid against the party subscribing as if received at the time or place advertised; and if any of said Commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved on them by this act, another may be appointed in his stead by the remaining Commissioners, or a majority of them, of the county for which said Commissioner was originally appointed.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said Louisville and Bowlinggreen Railroad Company shall be one million of dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation, city, town, or county; and as soon as one thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and as-

signs, shall be and they are hereby declared to be incorporated into a company, by the name of the Louisville and Bowlinggreen Railroad Company, and, by that name, shall be capable of purchasing, holding, selling, leasing, and conveying, real estate, not exceeding twenty thousand acres, and personal and mixed estate, so far as the same shall be necessary for the purposes of their incorporation; and shall have perpetual succession, and, by said corporate name, shall sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do.

SEC. 3. *Be it further enacted*, That if more than ten thousand shares shall be subscribed to the capital stock of said company, the said Commissioners, or a majority of them, if it shall appear that such excess is more than necessary to complete the road, shall reduce, by striking off in succession from the largest number of shares, subscribed by single individuals or corporations, towns, cities, or counties, until the subscriptions shall be reduced to an amount sufficient to secure the completion of the road, so as to equalize the stockholders.

SEC. 4. *Be it further enacted*, That at every subscription of stock, there shall be paid, at the time of subscribing, to the said Commissioners, or their agents appointed to receive such subscriptions, either in money or a note, (except in cases of towns and counties,) negotiable and payable at some Bank in the State, as said Commissioners may elect, at sixty days date, or longer, at the option of the Commissioners or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times, as may be required by the Board of Directors of said company: *Provided*, that no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by said Board of Directors, by a publication in one or more of the newspapers published in Louisville, Elizabethtown, and Bowlinggreen; nor shall more than twenty per cent. of each share of stock be called for in any one year; but if the exigencies of the company shall require the payments of the stock to be made more rapidly than is provided for herein, or should the Board of Directors, or a majority of the whole number elected, consider it expedient, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding, at any one time, five hundred thousand dollars; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action, in the name of said corporation, against such

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Name & style,
powers, &c.Over-subscrip-
tion of stock to
be reduced.Payments to
to be made on
stock when sub-
scribed.Calls on stock,
notice to be giv-
en.May borrow
money, &c.

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defaulting subscriber, before any tribunal having jurisdiction of such cases; and in all such actions, publication, as directed in this section, shall be the only demand necessary; or, in case such failure or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time the same shall be due and payable, the Board of Directors may, in their discretion, order that the same shall be forfeited to the company, and they may, also, sell it for the benefit of the company, if they think proper; but the said Board of Directors, by a majority of the whole board, may remit any such forfeiture, on such terms as they may think proper. It shall be lawful to receive subscriptions to the capital stock of this company, payable by the execution of contracts, well secured, to build such parts of the road, or to perform such work in the construction thereof, as may be accepted by the company.

If stock not
subscribed in 10
years, charter
void.

SEC. 5. *Be it further enacted*, That if the subscription, herein made necessary to the incorporation of said company, shall not be obtained within ten years after the first opening of the books by the Commissioners under this act, then this act, and all the subscriptions under it, shall be null and void; and said Commissioners shall, after discharging the expenses of opening the books, return the money, paid in upon the subscriptions, to the several subscribers, in proportion to the sums respectively paid by each.

Meeting of
stockholders to
be called and
officers elected.

SEC. 6. *Be it further enacted*, That, at the expiration of the period for which the books are first opened, if one thousand shares of the capital stock shall have been subscribed; or, if not, as soon thereafter as the same shall be subscribed, if within ten years after the first opening of said books, said Commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof in some one or more of the newspapers published in Louisville, Elizabethtown, and Bowlinggreen; and at such meeting, said Commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, then present, shall have the power to elect, from among the stockholders, seven Directors, to manage the affairs of said company, and a Treasurer; and the Directors, a majority of them concurring, shall have the power to elect a President of said company, either from among the Directors or any one of the stockholders, and allow such compensation for his services as they may think proper; and in such election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share

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owned by it, him or her; and every stockholder may, in writing, depute any other person to vote and act as its, his or her proxy; and the Commissioners aforesaid, or any three or more of them, shall be the judges of said first election of Directors.

SEC. 7. *Be it further enacted*, That, to continue the succession of the President and Directors of said company, seven Directors shall be chosen annually on the first Monday in June, every year, in the city of Louisville. The Directors, so elected, may elect one of their own body, or any one of the stockholders, as President of the company, who shall hold his office until the next annual election, and until a successor be duly elected and qualified; and if a vacancy should occur in their own body, or in the office of President, the Directors shall have power to fill the same for the unexpired term.

Annual elections of Directors to be held.

SEC. 8. *Be it further enacted*, That a general meeting of the stockholders of said company may be called, at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in one or more newspapers published in Louisville, Elizabethtown, and Bowling-green; and when any such meetings are called by the stockholders, such notice shall specify the object of the call; and if, at any such called meetings, a majority, in value, of the stockholders are not present, in person or by proxy, the same shall be adjourned, from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders, having a majority, in value, of the stock subscribed, do not attend, such meeting shall be dissolved.

General meeting of stockholders may be called.

SEC. 9. *Be it further enacted*, That, at the regular annual meeting of the stockholders of said company, it shall be the duty of the President and Directors in office for the preceding year to exhibit a clear and distinct account of the affairs of the company; that at any called meeting of the stockholders, a majority, in value, of the holders of the stock subscribed being present, may demand and require similar statements from the President and Directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders in said company, a majority of them, in value, may remove from office the President or any of the Directors, and fill up the vacancies, thus made, in the same manner that they could do at their stated annual meetings.

Annual reports to be made by President and Directors.

SEC. 10. *Be it further enacted*, That the President and Directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to

President and Directors to take oath.

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Treasurer appointed, to give bond.

the best of their skill and judgment ; and the said President and Directors, or a majority of them, or a majority, in value, of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or appoint a Treasurer of said company, and to require and take of him such bond, in such penalty, and with such securities, as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all such moneys as may come to his hands, and with such other conditions as may be prescribed ; upon which said bond recovery may be had, for a breach of the conditions thereof, by suit, in the name of said company, in any court having jurisdiction thereof.

May re-open books for subscription.

SEC. 11. *Be it further enacted*, That if any of the stock created by this act shall remain unsubscribed until after the election of the President and Directors, as provided for in the sixth section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock which may remain untaken or unsubscribed for, or to sell or dispose of such untaken stock, for the benefit of the company, not under its par value ; and the subscribers or purchasers of said stock shall have all the rights of original subscribers, and subject to the same regulations.

President and Directors to appoint all necessary officers, prescribe their duties, &c.

SEC. 12. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, agents, or servants, as they may deem expedient for the business of the company, and they may remove any of them at pleasure ; that they, or a majority of them, may determine, by contract, the pay of such officers, agents and servants, and regulate, by by-laws, the manner of adjusting all accounts against the company ; that they shall have power to erect ware-houses, work-shops, depots, and all other buildings necessary for the transaction of the business of the company ; that they shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred ; and to pass all by-laws which they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act : *Provided*, the same shall not be contrary to the laws of the United States or of this State.

Capital stock may be increased.

SEC. 13. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said company, or a majority of them, to increase the same, by the addition of as many shares as they may deem necessary, not exceeding one million of dollars, giving notice as hereinbefore prescribed.

SEC. 14. *Be it further enacted*, That the President and Directors of said company are hereby vested with all powers

and rights necessary to the construction of a railroad from the city of Louisville to Bowlinggreen, the route to be by them selected and determined, not exceeding sixty six feet wide, with as many sets of tracks as they may deem necessary; and that they may cause to be made contracts with others for making said railroad, or any parts of it; and that they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate, any land which may be wanted for the site of said road, or the erection of warehouses or other structures or works necessary to said road and its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances; and they may build bridges, and construct tunnels: *Provided*, the same do not obstruct the navigation on navigable streams; may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone, or other material, which may be useful or necessary for the proper construction, completion, or repair of said road.

SEC. 15. *Be it further enacted*, That the President and Directors of said company, or a majority of them, or their authorized agents, may agree with the owner of any land, earth, timber, or stone, or any other materials, or any improvements, which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert* under age, *non compos mentis*, or out of the county in which the property wanted may lie, where such land or materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant, under his hand, directed to the Sheriff of such county, requiring him to summon a jury of twenty inhabitants, not related, or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said Sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, or, if not present by agent or otherwise, the Sheriff then for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of the said property, required by the company; and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner, from conducting said road by, through, or near, the

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General powers & privileges.

May agree with owners of land for right of way, &c.

How land & materials may be condemned.

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property of said owners, but only in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the Sheriff to the Clerk of his county, and by such Clerk shall be filed in his office, and shall be confirmed by the Court of said county, at its next session, if no sufficient cause to the contrary be shown; and, when so confirmed, shall be recorded by said Clerk, at the expense of said company; but, if set aside, the Court may direct another inquisition to be taken, in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or his, her or their legal representatives, or to the Clerk of the county in which said inquest is held, for their use, when said owners, &c., do not reside in said county, shall entitle said company to the estate, and interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same: and the valuation of the same, if not received when tendered, may, at any time thereafter, be received from the company, without costs, by the owner or owners, his or their legal representatives or heirs.

Shall construct road so as not to obstruct other roads, &c.

SEC. 16. *Be it further enacted*, That whenever, in the construction of said road or roads, it shall be necessary to intersect any other established road or way, it shall be the duty of said President and Directors so to construct said road across such road or way as not to impede the passage of persons or property along the same; or where it shall be necessary to pass through the land of any person, it shall, also, be their duty to provide for such person proper wagon ways across said railroad, from one part of the land to the other; and if said company shall fail to provide proper wagon ways across said road, as provided in this section, it shall be lawful for any person to sue said company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect.

Wagon ways to be provided for owners of land.

May take and use land & materials, having them valued.

SEC. 17. *Be it further enacted*, That whenever it shall be necessary for said company to have, use, or occupy, any land, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the President and Directors of said company, or their agents, or those contracting with them for working or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, (formed in the manner herein before prescribed in those cases where the property is to be changed or altered, by admixture with other substances, before such alteration is made;) and that it shall not be necessary, after such view, in order to the use and

occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation, or the payment of said valuation.

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SEC. 18. *Be it further enacted*, That the said President and Directors shall have power to purchase, with the funds of said company, and place on any railroads constructed by them, under this act, all machines, wagons, vehicles, or carriages of any kind, which they may deem proper, for the purposes of transportation on said road; and that they shall have the power to charge, for tolls, and the transportation of persons, merchandise, and property of any kind whatever, transported along said railway, any sum not exceeding the following rates, to-wit: on all goods, merchandise, or property, for every one hundred pounds transported over twenty miles and under fifty miles, three and a half mills for each mile; and for persons, and every species of live stock, and every other description of freight and property, they shall charge no greater rate than is authorized to be charged on the railway from Lexington to Frankfort; that it shall not be lawful for any other company, or any other person or persons, to travel upon or use any of the roads of said company, or to transport persons or property thereon, without the license and permission of the President and Directors thereof; and that the said road or roads, with all their works, improvements, or profits, and all the carriages, vehicles, and machinery for transportation, used therein, and all other species of property thereunto belonging, are hereby vested in said company, incorporated by this act, and their successors, forever; and shall never be taxed beyond the rate of tax imposed upon real estate, estimated upon the prime cost of the proposed works.

May buy or construct cars, wagons, &c.

SEC. 19. *Be it further enacted*, That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper, of the net profits arising from the resources of said company after deducting the necessary current and probable contingent expenses; and that they shall divide the same among the stockholders of said company, in proportion to their respective shares.

Dividends to be declared.

SEC. 20. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of any railroads, or road, constructed for said company, under this act, or any of their works, buildings, carriages, vehicles, or machinery, such person or persons shall, for every such offence, forfeit and pay to the said company a sum not exceeding five hundred dollars, recoverable, in the name of said company, by an

Penalty for injury to road, &c.

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action of debt in the Circuit Court of the county wherein such offence shall be committed; and shall, also, be subject to indictment by the Grand Jury of said county, in said court, and, upon conviction of such offence, be imprisoned in the jail thereof, and in the Penitentiary, not less than six months nor more than four years, in the discretion of a jury.

When 5 miles completed, may run cars, &c.

SEC. 21. *Be it further enacted*, That, so soon as the company shall have completed five miles of their route, they may commence and prosecute their business, upon the terms and upon the stipulations herein provided; as though the whole work was completed.

County Courts may subscribe.

Vote of people to be given.

SEC. 22. *Be it further enacted*, That the several County Courts of the counties of Jefferson, Bullitt, Hardin, Hart, Grayson, Edmonson, Larue, and Warren, or other counties, may and shall have the power, for and on behalf of their respective counties, to subscribe for stock in said road, a majority of the Court concurring therein, to be levied upon the taxable property of said counties, and collectable as the revenues of the State; and the better to ascertain the public sentiment of said counties in reference to the propriety of such levy and subscription of stock, said County Courts are hereby authorized to direct and prescribe in what manner the question may be submitted to a vote of the qualified voters of the county; and should any of the County Courts refuse to subscribe, or prescribe the manner of submitting the question to the vote of the people, it shall be the duty of said County Courts, upon the application of a majority of the Commissioners appointed in their respective counties, or the Directory of said county, to appoint Judges, Clerk, and Sheriff, whose duty it shall be to open a poll at the several places of voting in their respective counties, where the qualified voters of said county shall vote upon the propriety of taking stock; at which time, and in propounding the question, the amount of taxation and time and manner of payment shall be distinctly stated. If it shall appear that a majority of the qualified voters of the county have voted, and a majority of those voting voted for the stock, it shall be the duty of the County Court to subscribe such stock. If the day for such vote shall be on any other than a day of election of public officers, it shall be advertised in a newspaper, proclaimed at the Court House door at least on two court days, and a notice posted up at the places of voting in each county. The collecting officer shall have the same commission for collecting as is allowed by law for collecting the revenue.

Road so constructed as to ensure a continuous run of cars from Louisville to Nashville.

SEC. 23. That the Railroad to be constructed under the provisions of this charter, shall be so constructed as to allow and insure a continuous run of a line of railroad cars from the city of Louisville to Nashville.

SEC. 24. That the company hereby established shall fix

the terminus of the road, herein contemplated to be constructed, at Bowlinggreen, in such manner as to suit the terminus of a road at that point to be constructed from Nashville, or the State line, to Bowlinggreen, so that the cars starting from Nashville can run on a continuous line to Louisville, and those starting from Louisville can, in like manner, run on a continuous line to Nashville; and the company hereby created shall receive the cars of the company created to construct a railroad from the Tennessee line to Bowlinggreen, and such as may start from Nashville, or elsewhere, so that the two companies shall have the reciprocal right, upon terms just and equitable to both, to run the cars of each on a continuous line from Louisville to Nashville, and from Nashville to Louisville.

1850.

Cars on either road to use both roads.

SEC. 25. That the company hereby created shall have power to contract with a company which may be formed to construct a railroad from Nashville, or from the State line, to Bowlinggreen, upon terms which may be agreed upon by the President and Directors of the two road companies, to an amalgamation of the stock of said two companies, and from thenceforward, as one company, they shall have corporate existence, under the name and style of the Louisville and Nashville Railroad Company, and vested with all the powers, not inconsistent in their provisions, as may be conferred by their respective charters.

The two Companies may amalgamate and form but one company.

Approved March 6, 1850.

CHAPTER 474.

AN ACT to incorporate Hartford Lodge, No. 156, of Ancient Masons, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present members of Hartford Lodge, No. 156, of Ancient Masons, and their successors, be and they are hereby created a body politic and corporate, by the name and style of Hartford Lodge, No. 156, of Ancient Masons, and by that name shall have perpetual succession, and be capable to receive and hold, by gift, grant, purchase or devise, any number of acres of land, not exceeding twenty, and any kind and quantity of personal estate, and to sell, exchange and convey the same at pleasure; to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity, in this State; and to have and use a common seal, and the same to renew or alter at pleasure.

Name & style, powers, &c.

SEC. 2. Richard Walker, William Graves, George Bennett, and Thomas C. Taylor are hereby appointed Trustees for said Lodge, who shall hold their office until the 24th of June, 1850, and until their successors be duly elected; and said Lodge may, on the 24th of June, 1850, and on the

Names of the Trustees of the Lodge, and term of office.

1850.	same day and month in each year thereafter, elect five of their own body as Trustees, whose term of office shall be one year, and until their successors are elected.
Property, how vested.	SEC. 3. All the real or personal property now belonging to said Lodge, shall as fully and completely vest in the Trustees of said Lodge, as if the same had been acquired after the passage of this act.
Keep record proceedings.	SEC. 4. The Trustees shall keep a record of their proceedings; make rules and by-laws for their own government; and in case of the death or removal of any of the Trustees, the Lodge may elect one or more, as the case may be, to fill the vacancy or vacancies created by such death or removal.
Corporators' names, &c.	SEC. 5. <i>Be it further enacted</i> , That E. W. Gunter, S. H. Long, H. J. Peters, T. S. Bell, James Speed, J. C. Hilton, George C. Davies, J. W. Stancliff, G. A. Hull, J. W. Sawtell, J. B. Semple, C. S. Tucker, S. H. Bullen, J. H. Rohrer, and their associates, subscribers to the Mozart Society of Louisville, and all such persons as now are, or may be hereafter admitted members of the same, shall be and they are hereby declared to be a corporation by the name and
Name & style.	style of "The Mozart Society of Louisville," endowed with all the ordinary and necessary powers to accomplish the objects of this act of incorporation, which are the cultivation of skill and diffusion of taste in music.
May hold real estate.	SEC. 6. Said corporation shall have the power to take and hold real and personal estate, not exceeding, in value, fifty thousand dollars; and to appropriate the rents, issues and profits arising therefrom, to promote the objects of this act.
Officers elected.	SEC. 7. The affairs of said corporation shall be managed by a President, Vice President, Secretary, Treasurer, and twelve Managers, who shall be elected by the members, on the second Monday of January, for one year, and shall hold their offices for one year, and until another election shall be had. There shall be an election of officers on the second Monday of January of each year; or upon a failure to elect on that day, upon any other day to be fixed by the managers. Every member of the corporation shall
Votes, how regulated.	have a right to vote for the officers and managers above named.
By-laws may be made.	SEC. 8. The corporation shall have the right to create and fill such offices as may be deemed expedient, for the management of its corporate affairs; and to make such rules and by-laws for the government of the corporation as may be needful, and not contrary to the constitution and laws of this State.
May divide members into classes and levy contributions.	SEC. 9. The said corporation shall have the right to divide the members into classes, and to assess and levy annual contributions from the members; to commute for such annual contributions, by a gross payment, and to enforce the payment of such contributions or gross sums.

SEC. 10. That the character, duties and rights of the several classes; the powers and functions of the officers; the mode of supplying vacancies; the times of meeting; the number that shall constitute a quorum, at the meetings of the members; the terms of admission; the mode of electing members; the causes for which a member may be suspended or disfranchised; and all other concerns of the corporation, shall be regulated by the by-laws and ordinances—which by-laws and ordinances shall be recorded by the Secretary in a book to be kept for that purpose:

1850.

SEC. 11. The present officers of the Society, S. H. Long, T. S. Bell, George C. Davies, J. C. Hilton, J. H. Rohrer, G. A. Hull, J. M. Rutherford, A. Peter, J. W. Sawtell, S. W. Warimer, B. J. Webb, C. S. Tucker, J. B. Semple, S. H. Bullen, C. Wolford, and J. W. Stancliff, are hereby constituted the officers of the corporation, and shall continue to hold and exercise their respective offices till their successors shall be chosen.

Names of officers of corporation.

SEC. 12. The Legislature reserves the power to change, amend, or repeal this charter.

, Approved March 6, 1850:

CHAPTER 475.

AN ACT for the benefit of the Clerk and Sheriff of Gallatin county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That two years, from and after the passage of this act, be allowed the Clerk of the Gallatin Circuit and County Courts, for the collection of his fees of the years 1844 and 1845.

Clerk Gallatin.

SEC. 2. That the Sheriff of Gallatin county be allowed two years, from and after the passage of this act, for the collection of the county levies from the year 1844 until the 1st day of January, 1849.

Sheriff Gallatin.

SEC. 3. That the further time, until the first day of June, 1850, be given James M. Wash, Sheriff of Anderson county, to return his delinquent list of revenue tax for the year 1849.

Sheriff of Anderson.

Approved March 6, 1850.

CHAPTER 476.

AN ACT for the benefit of William H. Ryan and wife.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William H. Ryan, and Mary Jane Ryan, his wife, late Mary Jane Hukile, shall be and they are hereby authorized and empowered to sell and convey two unimproved lots, situate in the city of Maysville, the legal

1850.

title to the same being in the said Mary Jane Ryan ; and any conveyance, which shall be made by the said William H. Ryan and the said Mary Jane Ryan, of said lots, upon due and privy examination being had of said Mary Jane, in pursuance of the law now in force in regard to the conveyance of the estates of *femes covert*, shall be as effective, to pass all the title which the said Wm. H. Ryan, and Mary Jane, his wife, have in and to said lots, to the purchaser or purchasers thereof, as fully and completely as if said Mary Jane Ryan was of full age ; her disability of non-age, for the purposes aforesaid, being by this act taken away.

Approved March 6, 1850.

CHAPTER 477.

AN ACT for the benefit of John R. Beaty, late Sheriff of Pulaski county.

Sheriffs of Pulaski and Grayson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John R. Beaty, Deputy for John M. Hayden, and John W. Cowan, Sheriffs of Pulaski county, and Eli Bozarth, late Sheriff of Grayson county, have the further time of two years to collect the arrearages of taxes and fee bills, which were due during the term of said Hayden and Cowan and Bozarth's Sheriffalty ; and they may levy and distrain for the same, as now provided for by law in other cases.

SEC. 2. That it shall be lawful for said Beaty to place a list of the uncollected taxes and fees in the hands of the Sheriff of Pulaski county, who may collect the same, in the manner above provided ; and shall pay the same over, when collected, to the persons entitled thereto.

Approved March 6, 1850.

CHAPTER 478.

AN ACT to incorporate the Union Literary Society of Speedwell, in Madison county.

Corporate name & style.

Purposes of corporation.

Capital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James E. Yates, Joshua Parks, and G. Clay Smith be created a body politic by the name and style of the Union Literary Society of Speedwell, with perpetual succession, for the purpose of erecting a suitable building in the village of Speedwell, Madison county, for the meetings of said Society, and for such other purposes, of a literary character, as said Society may, from time to time, determine on.

SEC. 2. That the capital stock of said Company shall not exceed one thousand five hundred dollars, divided into shares of ten dollars each.

SEC. 3. That every stockholder shall be entitled to a vote on each share of stock subscribed and paid for by him.

1850.

SEC. 4. That the written or printed certificate of the President of the Board of Trustees, hereafter to be appointed, shall be evidence of ownership of stock in said company; and the same shall be transferable on the books of the Company, or by assignment with notice thereof to said Trustees.

Certificates of President to be taken as evidence of ownership of stock, &c.

SEC. 5. That the management of the concerns of this corporation shall be confided to five Trustees, whom the stockholders shall elect annually, in the month of March; and who, or a majority of whom, shall have full power to make all contracts appertaining to the erection of a proper building, such as buying a lot or lots, contracting for the material, &c., and all incidental powers, to finish and complete said building, as it may best suit the purposes of the Company. The Trustees are also vested with the authority to purchase books, philosophical apparatus, and take newspapers and periodicals, for the use of said Society.

Officers, and how elected—their powers.

SEC. 6. That said body corporate shall have full power to make by-laws necessary for carrying out the foregoing purposes: *Provided*, a majority of all the stockholders shall vote for such by-laws at any regular meeting of the same.

Make make by laws.

SEC. 7. That the object of this corporation shall be for the purpose of erecting, by joint stock, a building, suitable for them and their successors, as Society rooms; and each stockholder shall hold an interest in any such building that may be erected, in proportion to the amount of his stock.

Object of corporation.

SEC. 8. This corporation shall be capable of suing and being sued, and of holding the legal title of any lot or lots that may be necessary for the purposes aforesaid.

May sue and be sued.

SEC. 9. That said Trustees shall have power to sell and convey the lot or lots and property of said Company, whenever a majority of two thirds of said stockholders shall so determine in regular meeting.

May sell and convey the property.

Approved March 6, 1850.

CHAPTER 479.

AN ACT to amend the charter of the Jefferson and Brownsboro' Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, "an act to amend the charter of the Louisville and Taylorsville Turnpike Road Company, and to incorporate the Jefferson and Brownsboro' Turnpike Road Company," approved February 23, 1849, be so amended as to authorize the Jefferson and Brownsboro' Turnpike Road Company to change the location of said road, so as to begin at any point on the

Act of incorporation amended, so as to alter location.

Route, how changed.

1850.

Shelbyville and Louisville Turnpike Road, between the intersection of said turnpike road with the Westport road, (at Gilman's,) and the limits of the city of Louisville, or at any point in the eastern line of said city, between the river and the Shelbyville and Louisville Turnpike Road. Then to run said road from such point as said Company shall fix upon, on the most practicable route, to a point not more than one hundred poles north of the residence of Mrs. Hancock Taylor; thence, on the most convenient and practicable route, to the Oldham county line, near where said line crosses the line of the lands of Pollock Barbour and William Fishback; thence, on the most practicable and convenient route, to Brownsboro', or to Clore and Million's mill, on the north fork of Harrod's creek, in Oldham county; and said company is hereby authorized to make said road either of stone or plank.

Names com'rs.

SEC. 2. That so much of said act as names Commissioners for taking subscription of stock in said road, be repealed; and that James Clore, Isaac R. Smith, Milburn Glore, John Snyder, Wm. A. Hardin, Pollock Barbour, Eli Yager, and Jonathan Hardin, or any three of them, be authorized to take subscriptions for stock in said road in Brownsboro', or at Clore and Million's mill; and in Louisville, subscriptions shall be made under the direction of Caleb Dorsey, Lawrence Young, Philip D. Barbour, John T. Bate, Alexander Veach, Wm. C. Williams, Richard J. Tarlton, Robert T. Bate, John Harbold, and John Herr, or any three of them.

Louisville and
Taylorsville road
may borrow
money.

May mortgage
road, &c.

SEC. 3. *Be it further enacted*, That the Louisville and Taylorsville Turnpike Road Company are hereby authorized, with the assent of the stockholders holding a majority of the shares in said company, to borrow any sum or sums of money, not exceeding in the aggregate twelve thousand dollars, for the purpose of aiding in the completion of said road, at a rate of interest not exceeding Bank interest, and for such periods of time as said company may think proper. And it shall be lawful for said company to mortgage said road, or any part thereof, and the issues and profits of the same, for the re-payment of said money, as they may think proper. And such agreement shall be specifically enforced by the Spencer or Jefferson Circuit Courts, which Courts shall have full jurisdiction to enforce said mortgage, and the contracts made touching the same.

Tolls how to
be charged.

SEC. 4. *Be it further enacted*, That in the event of the said road being located so as to intersect the Shelbyville and Louisville Turnpike Road, said last named company shall be entitled to charge *pro rata* tolls, for such part of their road as may be used by the travel coming thereon from said Jefferson and Brownsboro' road. And nothing in this act shall be so construed as authorizing said Jefferson and Brownsboro' Turnpike Road Company to locate

their road, or establish a toll gate, so as to collect tolls from those traveling on or using the present county road, along the bank of the Ohio river, but nothing herein shall be so construed as authorizing those traveling said river road to leave said river road and use the road of said company, without paying the tolls allowed to be charged by this act.

SEC. 5. *Be it further enacted*, That it shall be lawful for the County Court of Spencer county—a majority of all the Justices concurring—to levy and assess, from year to year, a tax on the taxable property within said county—not in any year to exceed ten cents on the one hundred dollars worth of property of said property—the net amount of which tax shall be subscribed and applied to the completion of that part of the Louisville and Taylorsville Turnpike Road, lying within said county; for which sum so applied, the said county shall receive certificates of stock in said road, and the proceeds or dividends on said stock shall, as received by said Court, be applied to lessening the county levy in said county. And after the part of said road is completed, which lies in said county, said County Court, in like manner, shall have power to levy and collect, from year to year, a tax on the taxable property of said county, the same to be appropriated, and used on such other internal improvements within said county, as said Court may determine. The said tax may be collected by the Sheriff, or such other person as said Court may appoint, who shall receive for his services the compensation allowed the Sheriff for collecting the revenue, or such compensation as said Court may agree on with such Sheriff or other person; and shall be applied to the construction of other internal improvements in said county, as their discretion may direct; but to be governed by the same restrictions herein before laid down for their levying the tax and taking the stock in the Louisville and Taylorsville Turnpike Road.

Approved March 6, 1850.

1850.

Jefferson and
Brownshorough
road, how to lo-
cate gates.

Spencer C'ty
Court may levy
tax for Louis-
ville and Tay-
lorsville road.

May receive
certificates of
stock for sub-
scriptions.

Tax, how col-
lected.

Compensation.

CHAPTER 480

AN ACT to incorporate the Consolation and Hardinsville Turnpike or Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name and style of the Consolation and Hardinsville Turnpike Road Company, for the purpose of forming an artificial road, with plank, stone, or gravel, from the town of Consolation, on the Louisville and Frankfort Railroad, to a point on the Louisville and Frankfort Turnpike, at or near the residence of John Shannon, by the nearest and most practicable route.

Name & style.

1850.

Capital stock,
and how divid-
ed.

SEC. 2. The capital stock of said company shall be fifteen thousand dollars, (to be divided into shares of fifty dollars each,) which may be increased, from time to time, if said amount be not sufficient to complete the road.

Books to be
opened.

Com'rs.

SEC. 3. Books, for the subscription of stock in said company shall be opened on the first Monday in March next, or as soon thereafter as practicable, and may be agreed upon, at the following places, and under the direction of the following persons, who are hereby appointed Commissioners, viz: At Consolation, Henry Bohannon, Cary White, R. W. Hawkins, Harrison Bailey, John Campbell, and Seth Cook; at Hardinsville, G. F. Maddox, R. E. Finnell, R. Pemberton, W. G. Easley, and James McBride; at Clay Village, J. Strain, F. Middleton, and J. Lee; at Shannon's, Austin Barnett, J. Middleton, Allen Barnett, John A. Magill, and Wm. Lawson; at Jacksonville, W. R. Roberts, J. Bright, J. Hiatt, Wm. Duncan; and Daniel Duncan—or some one or more of them at each place. The said Commissioners shall procure a book or books, and the subscribers to stock shall sign the following obligation therein, viz: "We, whose names are hereto subscribed, do promise to pay to the President, Directors, and Company of the Consolation and Hardinsville Turnpike Road Company, the sum of fifty dollars for each share of stock set opposite our respective names, in such manner and proportion, and at such times, as may be required by said company, agreeably to an act of the General Assembly incorporating said company. Witness our hands this — day of — 18—."

Obligation to
be given.Notice of open-
ing books, how
to be given.

The Commissioners shall give notice of the time and place of opening books, for the subscription of stock, by written advertisements posted at Consolation, Hardinsville, Clay Village, John Shannon's and Jacksonville. The books may continue open until the whole amount of capital stock shall be subscribed, or a sufficient amount to construct the road.

Election of of-
ficers, when to
be held.

Powers.

SEC. 4. So soon as one hundred shares shall have been subscribed, an election shall be held for the election of a President and five Directors, in the town of Consolation, due notice of the time and place being first given; at which election, each stockholder shall be entitled to one vote for each share of stock he may hold. Said company, thus organized, shall be a body politic and corporate, and shall possess all the powers, rights, and privileges, and shall and may do all acts and things, necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing the same; and may have and enjoy all the rights and privileges, and be subject to all the duties, qualifications and restrictions, as are given and granted to the Lebanon, New Market and Springfield Turnpike Road Company, by an act, approved February 18, 1848, except as herein provided; and all

Provisions of
Lebanon, New
Market, &c.,
charter, made
applicable.

the provisions of said act, (except so far as they may be local in their application or conflict with this charter,) are hereby enacted as part of this act.

1850.

SEC. 5. The President and Directors, in the location and construction of said road, and in all other things in relation to their various duties, shall be governed by a majority of the stockholders of said road.

Majority to govern in construction of the road.

SEC. 6. Whenever two and a half continuous miles of said road shall be completed, the company may erect a toll gate and charge half toll thereon, and whenever the whole road shall be completed, they may erect one gate and charge full toll.

Gate when to be erected.

Approved March 6, 1850.

CHAPTER 481.

AN ACT to charter the Bardstown and Nashville Railroad Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That C. Nourse, Jos. Brown, C. P. Matingly, J. M. Doom, E. B. Smith, G. W. Hite, James M. Brown, S. Johnson, T. W. Riley, and T. P. Linthicum, of Nelson county; S. W. D. Stone, J. H. Rodman, Jno. Duncan, W. L. Morris, W. Howell, W. Read, John Forline, and J. P. Hamilton, of Larue county; J. B. Cobb, O. G. Waggener, Harrison Powell, William W. Bowling, John Waggener, and Geo. T. Wood, of Hart county; A. Watkins, J. G. Hardy, P. J. Kirtley, Geo. W. Trabue, F. Gorin, A. Trigg, R. Murrell, John T. Rogers, and James Page, of Barren county; W. F. Evans, A. A. Harvey, S. Carter, W. Thomas, R. J. Foster, J. C. Mulligan, and R. F. Pulliam, of Allen county, be and they are hereby appointed Commissioners, under the direction of whom, or of any three of them, in each of said counties, subscriptions may be received to the capital stock of the Bardstown and Nashville Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such time, and may adjourn to such places as they may deem expedient; and if such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said Commissioners, or a majority of them, may cause the said books to be opened and kept open, from time to time, and at such places as may seem expedient, for the space of two years thereafter, or until the sum necessary for the incorporation shall be subscribed: *Provided*, that any subscription, tendered at any time or place other than

Com'rs names.

Books when and where opened.

1850.

that advertised by said Commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the time or place advertised; and if any of said Commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved on them by this act, another may be appointed in his stead by the remaining Commissioners, or a majority of them, of the county for which the said Commissioner, so not acting, was appointed a Commissioner.

Capital stock,
and how divi-
ded.

Name & style,
and powers.

SEC. 2. *Be it further enacted*, That the capital stock of said Bardstown and Nashville Railroad Company shall be two millions of dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation; and as soon as three thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Bardstown and Nashville Railroad Company, and, by that name, shall be capable of purchasing, holding, selling, leasing, and conveying, real estate, not exceeding ten thousand acres, and personal and mixed estate, so far as the same shall be necessary for the purposes of their incorporation, and no farther; and shall have perpetual succession, and, by said corporate name, shall sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do.

Over-subscrip-
tion of stock to
be reduced.

SEC. 3. *Be it further enacted*, That if more than twenty thousand shares shall be subscribed to the capital stock of said company, the said Commissioners, or a majority of them, shall reduce, by striking off in succession from the largest number of shares, subscribed by single individuals or corporations, until the subscriptions shall be reduced to twenty thousand shares, so as to equalize the stockholders, as far as may be.

Payments to
be made on
stock when sub-
scribed.

Calls on stock,
notice to be giv-
en.

SEC. 4. *Be it further enacted*, That at every subscription of stock, there shall be paid, at the time of subscribing, to the said Commissioners, or their agents appointed to receive such subscriptions, either in money or a note, negotiable and payable at some Bank in the State, as said Commissioners may elect, at sixty days date, or longer, at the option of the Commissioners or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times, as may be required by the Board of Directors of said company: *Provided*, that no payment shall be demanded until at least thirty days' public notice of such demand shall have been given by said Board of Directors, by a publication in one or more of the newspapers published in Louisville, Bardstown, and Glasgow; nor shall more than twenty

per cent. of each share of stock be called for in any one year; but if the exigencies of the company should require the payments of the stock to be made more rapidly than is provided for herein, or should the Board of Directors, or a majority of the whole number elected, consider it expedient, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding, five hundred thousand dollars; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action, in the name of said corporation, against such defaulting subscriber, before any tribunal having jurisdiction of such cases; and in all such actions, publication, as directed in this section, shall be the only demand necessary to be proved; or, in case such failure or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time the same shall be due and payable, the Board of Directors may, in their discretion, order that the same shall be forfeited to the company, and they may, also, sell it for the benefit of the company, if they think proper; but the said Board of Directors, by a majority of the whole board, may remit any such forfeiture, on such terms as they may think proper: *And, provided further*, that it shall be lawful to receive subscriptions to the capital stock of this company, payable in contracts, well secured, to build such parts of the road, or to perform such work in the construction thereof, as may be accepted by the company.

1850.

May borrow money, &c.

SEC. 5. *Be it further enacted*, That if the subscription, herein made necessary to the incorporation of said company, shall not be obtained within ten years after the first opening of the books by the Commissioners under this act, then this act, and all the subscriptions under it, shall be null and void; and said Commissioners shall, after discharging the expenses of opening the books, return the residue of the money, paid in upon the subscriptions, to the several subscribers, in proportion to the sums respectively paid by each.

If stock not subscribed in 10 years, charter void.

SEC. 6. *Be it further enacted*, That, at the expiration of the period for which the books are first opened, if two thousand shares of the capital stock shall have been subscribed, or, if not, as soon thereafter as the same shall be subscribed, if within ten years after the first opening of said books, said Commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof in some one or more of the newspapers published in Louisville, Bardstown, and Glasgow; and at such meeting, said Commissioners

Meeting of stockholders to be called and officers elected.

1850.

shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, then present, shall have the power to elect, from among the stockholders, seven Directors, by ballot, to manage the affairs of said company; and these seven Directors, or a majority of them, shall have the power to elect a President of said company, either from among the Directors or any other stockholder, and of allowing such compensation for his services as they may think proper; and in such election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by it, him or her; and every stockholder may, in writing, depute any other person to vote and act as its, his or her proxy; and the Commissioners aforesaid, or any three or more of them, shall be the judges of said first election of Directors.

Annual elections of Directors to be held.

Sec. 7. *Be it further enacted*, That, to continue the succession of the President and Directors of said company, seven Directors shall be chosen annually on the first Monday in June, every year, in the town of Glasgow, by the stockholders of said company: *Provided*, that after the first election, the said President and Directors may change the time and place of holding all subsequent elections, upon publishing such change not less than thirty days prior to the election, in the papers aforesaid; and that the Directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a President of said company, either from among the Directors or any other stockholder, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur, by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacancy for the year shall be appointed by the President and Directors of said company, or a majority of them; and that the President and Directors of the company shall hold and exercise their offices until a new election of President and Directors; and that all elections which are, by this act or by the by-laws of said company, to be made at a particular time, if not made at such time, may be made in thirty days thereafter, upon notice publicly given.

General meeting of stockholders may be called.

Sec. 8. *Be it further enacted*, That a general meeting of the stockholders of said company may be called, at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in one or more newspapers published in Louisville, Bardstown, and Glasgow; and when any such meetings are called by the

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stockholders, such notice shall specify the object of the call; and if, at any such called meetings, a majority, in value, of the stockholders are not present, in person or by proxy, the same shall be adjourned, from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders, having a majority, in value, of the stock subscribed, do not attend, such meeting shall be dissolved.

SEC. 9. *Be it further enacted*, That, at the regular annual meeting of the stockholders of said company, it shall be the duty of the President and Directors in office for the preceding year to exhibit a clear and distinct account of the affairs of the company; that at any called meeting of the stockholders, a majority, in value, of the holders of the stock subscribed being present, may demand and require similar statements from the President and Directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders in said company, a majority of them, in value, may remove from office the President or any of the Directors, and fill up the vacancies, thus made, in the same manner that they could do at their stated annual meetings.

Annual rep'ts
to be made by
President and
Directors.

SEC. 10. *Be it further enacted*, That the President and Directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said President and Directors, or a majority of them, or a majority, in value, of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or appoint a Treasurer of said company, and to require and take of him such bond, in such penalty, and with such securities, as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all such moneys as may come to his hands, and with such other conditions as may be prescribed; upon which said bond recovery may be had, for a breach of the conditions thereof, by suit, in the name of said company, in any court having jurisdiction thereof.

President and
Directors
take oath

Treasurer ap-
pointed, to give
bond.

SEC. 11. *Be it further enacted*, That if any of the stock created by this act shall remain unsubscribed until after the election of the President and Directors, as provided for in the sixth section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock which may remain untaken or unsubscribed for, or to sell or dispose of such untaken stock, for the benefit of the company, not under its par value; and the subscribers or purchasers of said stock shall have all the rights of original subscribers, and subject to the same regulations.

May re-open
books for sub-
scription.

SEC. 12. *Be it further enacted*, That the said President

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President and Directors to appoint all necessary officers, prescribe their duties, &c.

and Directors, or a majority of them, may appoint all such officers, agents, or servants, as they may deem expedient for the business of the company, and they may remove any of them at pleasure; that they, or a majority of them, may determine, by contract, the pay of such officers, agents and servants, and regulate, by by-laws, the manner of adjusting all accounts against the company; that they shall have power to erect ware-houses, work-shops, depots, and all other buildings necessary for the transaction of the business of the company; that they shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred; and to pass all by-laws which they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act: *Provided*, the same shall not be contrary to the laws of the United States or of this State.

Capital stock may be increased.

SEC. 13. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said company, or a majority of them, to increase the same, by the addition of as many shares as they may deem necessary, not exceeding one million of dollars, giving notice as hereinbefore prescribed.

General powers & privileges.

SEC. 14. *Be it further enacted*, That the President and Directors of said company are hereby vested with all powers and rights necessary to the construction of a railroad from Bardstown to the Tennessee line, in the direction of Nashville, passing through the towns of Hodgenville, Glasgow, and Scottsville, the route, to be by them selected and determined, not exceeding sixty six feet wide, with as many sets of tracks as they may deem necessary; and that they may cause to be made contracts with others for making said railroad, or any parts of it; and that they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate, any land which may be wanted for the site of said road, or the erection of ware-houses or other structures or works necessary to said road and its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances; and they may build bridges, and construct tunnels: *Provided*, the same do not obstruct the navigation on navigable streams; may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone, or other material, which may be useful or necessary for the proper construction, completion, or repair of said road.

May agree with owners of land for right of way, &c.

SEC. 15. *Be it further enacted*, That the President and Directors of said company, or a majority of them, or their authorized agents, may agree with the owner of any land, earth, timber, or stone, or any other materials, or any im-

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provements, which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert* under age, *non compos mentis*, or out of the county in which the property wanted may lie, where such land or materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant, under his hand, directed to the Sheriff of such county, requiring him to summon a jury of twenty inhabitants, not related, or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said Sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, or, if not present by agent or otherwise, the Sheriff then for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of the said property, required by the company; and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner, from conducting said road by, through, or near, the property of said owners, but only in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the Sheriff to the Clerk of his county, and by such Clerk shall be filed in his office, and shall be confirmed by the Court of said county, at its next session, if no sufficient cause to the contrary be shown; and, when so confirmed, shall be recorded by said Clerk, at the expense of said company; but, if set aside, the Court may direct another inquisition to be taken, in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or his, her or their legal representatives, or to the Clerk of the county in which said inquest is held, for their use, when said owners, &c., do not reside in said county, shall entitle said company to the estate, and interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same: and the valuation of the same, if not received when tendered, may, at any time thereafter, be received from the company, without costs, by the owner or owners, his or their legal representatives or heirs.

How land &
materials may
be condemned.

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Shall construct road so as not to obstruct other roads, &c.

Wagon ways to be provided for owners of land.

May take and use land & materials, having them valued.

May buy or construct cars, wagons, &c.

SEC. 16. *Be it further enacted*, That whenever, in the construction of said road or roads, it shall be necessary to intersect any other established road or way, it shall be the duty of said President and Directors so to construct said road across such road or way as not to impede the passage of persons or property along the same; or where it shall be necessary to pass through the land of any person, it shall, also, be their duty to provide for such person proper wagon ways across said railroad, from one part of the land to the other; and if said company shall fail to provide proper wagon ways across said road, as provided in this section, it shall be lawful for any person to sue said company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect.

SEC. 17. *Be it further enacted*, That whenever it shall be necessary for said company to have, use, or occupy, any land, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the President and Directors of said company, or their agents, or those contracting with them for working or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, (formed in the manner herein before prescribed in those cases where the property is to be changed or altered, by admixture with other substances, before such alteration is made;) and that it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation, or the payment of said valuation.

SEC. 18. *Be it further enacted*, That the said President and Directors shall have power to purchase, with the funds of said company, and place on any railroads constructed by them, under this act, all machines, wagons, vehicles, or carriages of any kind, which they may deem proper, for the purposes of transportation on said road; and that they shall have the power to charge, for tolls, and the transportation of persons, merchandise, and property of any kind whatever, transported along said railway, any sum not exceeding the following rates, to-wit: on all goods, merchandise, or property, for every one hundred pounds transported over twenty miles and under fifty miles, three and a half mills for each mile; and for persons, and every species of live stock, and every other description of freight and property, they shall charge no greater rate than is authorized to be charged on the railway from Lexington to Frankfort; that it shall not be lawful for any other company, or any other person or persons, to travel upon or use any of the

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roads of said company, or to transport persons or property thereon, without the license and permission of the President and Directors thereof; and that the said road or roads, with all their works, improvements, or profits, and all the carriages, vehicles, and machinery for transportation, used therein, and all other species of property thereunto belonging, are hereby vested in said company, incorporated by this act, and their successors, forever; and shall never be taxed beyond the rate of tax imposed upon real estate, estimated upon the prime cost of the proposed works.

SEC. 19. *Be it further enacted*, That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper, of the net profits arising from the resources of said company after deducting the necessary current and probable contingent expenses; and that they shall divide the same among the stockholders of said company, in proportion to their respective shares.

Dividends to be declared.

SEC. 20. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of any railroads, or road, constructed for said company, under this act, or any of their works, buildings, carriages, vehicles, or machinery, such person or persons shall, for every such offence, forfeit and pay to the said company a sum not exceeding five hundred dollars, recoverable, in the name of said company, by an action of debt in the Circuit Court of the county wherein such offence shall be committed; and shall, also, be subject to indictment by the Grand Jury of said county, in said court, and, upon conviction of such offence, be imprisoned in the jail thereof, and in the Penitentiary, not less than six months nor more than four years, in the discretion of a jury.

Penalty for injury to road, &c.

SEC. 21. *Be it further enacted*, That, so soon as the company shall have completed five miles of their route, they may commence and prosecute their business, upon the terms and upon the stipulations herein provided, as though the whole work was completed.

When 5 miles completed, may run cars, &c.

SEC. 22. *Be it further enacted*, That the County Courts of the counties of Nelson, Larue, Hart, Barren, and Allen, and of any other counties through which this road may pass, a majority of all the members of the County Courts of said counties, concurring therein, be and they are hereby authorized to subscribe, for and on behalf of said counties, as many shares in the capital stock of said Railroad as to them may seem expedient, and to levy the sum, so subscribed on the taxable property of said counties; and the better to ascertain the public sentiment of said counties, in reference to the propriety of said subscriptions of stock, herein authorized, said County Courts are hereby authorized, if by

County Courts may subscribe.

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Vote of people
to be given.

them deemed expedient, in such manner as they may direct and prescribe, to submit the same to a vote of the qualified voters of said counties, respectively.

Approved March 6, 1850.

CHAPTER 482.

AN ACT to incorporate the Lebanon and Bradfordsville Turnpike Road Company.

Name & style. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company is hereby created, under the name and style of the "Lebanon and Bradfordsville Turnpike Road Company," for the purpose of making an artificial road from Lebanon to Bradfordsville, in Marion county.

Capital stock, how divided. SEC. 2. That the capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollar each; and if it shall be found that said capital stock is not sufficient to complete said road, (including bridges,) then the President, and Directors may increase the same, and open books for its subscription.

Books, when and where opened. SEC. 3. That books for the subscription of said stock shall be opened the first Monday in April, 1850: at Lebanon, under the direction of Michael Shuck, Harvey McElroy, John Shuck, Cornelius Railey, John Spalding, John B. Wathen, Leonard Edelin, David Phillips; at Bradfordsville, under the direction of James Dever, John H. Lucker, F. G. Phillips James C. McElroy, James Simpson, Daniel Purdy, J. L. Fleece, James McMurry, Perry Rose, J. Lowell, Jr., Redmond Prewett, and Elisha Isaacs. Any two of the said commissioners shall be competent to receive subscription for stock in said road. The subscribers of stock shall sign in a book, provided by the aforesaid commissioners, an obligation, as follows: "We, whose names hereunto affixed, do severally promise to pay to the President and Directors of the Lebanon and Bradfordsville Turnpike Road Company the sum of fifty dollars for each share annexed to our respective names. As witness our hands, this — day of — 18—." The said commissioners shall give notice, (by posting printed notices,) of the time and place of opening books for said subscription, and may continue them opened until the capital stock be taken: *Provided*, that if, from any cause, the said books should not be opened on the days fixed above, or the stock should not be fully taken, then the said commissioners may open the same at any time they may fix within two years from the passage of this act, and proceed as is directed in this act.

Obligation of subscribers.

Notice to be given.

Stockholders, when and how called.

SEC. 4. That whenever the sum of ten thousand dollars shall have been taken, it shall be the duty of said commissioners to advertise the same, by printed notices stuck up in

Lebanon and Bradfordsville, and calling the stockholders together at such point and time as they may designate in said notice, and who, when called together, shall proceed to elect from their number a President, Treasurer, Secretary, and six Directors of the said road; each of whom shall, before entering upon the duties of his office, take an oath before some Justice to honestly, justly, and faithfully, perform their respective duties—a certificate of which shall be recorded by the Secretary in the books of the company. The Treasurer shall execute bond, with good security, in such penalty and conditions as the President and Directors may prescribe, payable to the President, Directors and Company of the Lebanon and Bradfordsville Turnpike Road; which bond shall be preserved by the Secretary. The said officers shall hold their offices for the term of one year, and until their successors are elected and qualified: *Provided*, no one shall hold either of said offices unless he is a shareholder in said road; and that in the election of said officers each shareholder shall have one vote for each share he holds. That the said President, Directors and Company shall be a body corporate, under the name of the "President, Directors and Company of the Lebanon and Bradfordsville Turnpike Road Company;" shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity having jurisdiction of the subject matter: and do and perform all things that like corporate bodies can do.

SEC. 5. That it shall be the duty of the said President and Directors to let the said road out whenever the sum of ten thousand dollars shall be taken. That they may let out any portion of the said road to be made either of stone, gravel, or plank, as they may deem proper. That they may let out any portion of said road to be paid for in the stock of the company: *Provided*, it does not exceed the engineer's estimate.

SEC. 6. That the Marion County Court, a majority of the Justices concurring therein, may take stock in said road; and, to pay for the same, may levy a tax of five cents on each hundred dollars worth of property in said county subject to State tax.

SEC. 7. That the provisions, from the fifth to the thirty fifth section of the Danville and Hustonville turnpike charter, approved March 1, 1844, be and the same are hereby made part of this charter, so far as it does not conflict with this.

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Election of officers.

Oath of officers.

Treasurer to give bond.

Term of office.

Name.

Powers.

Road, when let out, and how.

County Court may take stock.

Provisions of the Danville and Hustonville charter applied.

Approved March 6, 1850.

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CHAPTER 483.

AN ACT for the benefit of Elizabeth Easley, and her children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon petition filed by Joseph Easley and Elizabeth Easley, his wife, before the Judge of the Shelby Circuit Court, (which must be sworn to,) praying for the sale of a tract of land containing fifty nine and a half acres, lying in the county of Shelby, and for a re-investment of the proceeds of the sale in other lands—the same being a tract of land devised by Joseph Easley, deceased, to the said Elizabeth Easley, and her children—if it shall appear, by oral testimony or otherwise, to be to the interest of the said Elizabeth Easley, and her children, for such sale to be made, it shall be lawful for said Judge to make a decree directing a sale thereof upon such terms and conditions as to him may seem most advisable; and he may make such other decrees as may be necessary to effect such sale and re-investment, and may appoint a Commissioner to sell and convey the same, and to re-invest the proceeds of sale in other lands.

Approved March 6, 1850.

CHAPTER 484.

AN ACT for the benefit of Margaret H. Bibb.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Margaret H. Bibb, late Margaret H. Crutcher, to file her petition in the Hardin Circuit Court, to which the children of her first husband, Willis Crutcher, and their guardian or guardians shall be made parties, and served with process, which petition shall set forth all the causes which render it expedient and proper to sell a negro woman, Sarah, belonging to the estate of said Willis Crutcher, in which said Margaret H. Bibb hath a dower right. Upon hearing said petition, and proof to sustain the charges, if the court shall be of opinion that a sale is necessary and proper to preserve the interest of said heirs and the petitioner, it shall be the duty of the court to order a sale upon such terms as will insure a fair price, and make such order for the investment of the money in other property, or secure the money by keeping it at interest, requiring such bond or bonds as may be necessary to enforce the order and decree, and to make such disposition of the proceeds as will secure the rights of the parties as they now exist.

Approved March 6, 1850.

CHAPTER 485.

AN ACT concerning the Clinton Female Seminary, and Moscow Seminary, in Hickman county.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That James Ringo, J. R. Dodge, R. Moore; W. H. Husbands, E. S. Watson, and W. H. H. Taylor, and their successors in office, be and they are hereby constituted a body politic and corporate, by the name and style of "the Trustees of the Clinton Female Seminary;" and by that name may sue and be sued, plead and be impleaded, in any court of law or equity; and may make such by-laws, rules, and regulations, for the government of said Seminary, as they may deem expedient and proper: *Provided,* the same be not contrary to the constitution or laws of this State. Four of said Trustees shall form a quorum to transact any business which they are hereby authorized to do, a majority concurring therein; they shall have power to appoint some one of their own body as President of their Board, (and in the absence of said President may appoint a President *pro tem*,) whose duty it shall be to preside at all meetings of said Trustees, as President of said Board. They may also appoint, from time to time, a Treasurer, Clerk, and such other officers as they may deem necessary and proper; they shall have power to appoint a Principal Professor or teacher, and such assistant professors or teachers as they may, from time to time, deem necessary; they shall keep a record of their proceedings; and should any Trustee or Trustees, hereby appointed, fail or refuse to act, or should the office of Trustee at any time become vacant, a majority of those remaining in office shall have full power to fill such vacancy.

SEC. 2. *Be it further enacted,* That the corporation hereby created shall have full power and authority to acquire and hold, by purchase, devise, or otherwise, all such lands, tenements, and hereditaments; money or property, as said Trustees may think proper to purchase, or such as may be given, devised, or bequeathed to them, for the use and benefit of said Seminary, and the same to dispose of by bargain and sale, or any other mode of alienation; they shall have power and authority to enforce the collection of any subscription which may be made for the benefit of said Seminary, at such time and in such proportions as they may deem proper. It shall not be necessary for said corporation to procure a common seal; all its corporate acts shall be made known by the signature and private seal of the President affixed to the contract or writing executed, or by some entry, minute, or memorandum made on the record of the proceedings of said corporation. And all contracts, writings, deeds, and conveyances, made and entered into in the name of the Trustees of the Clinton Female Seminary, and signed by the President thereof, in

Corporators' names.

Name & style, powers, &c.

No. to form quorum, and officers how appointed.

President and his duty.

Treasurer and Clerk, &c.

Teacher, &c.

Keep record, &c.

Vacancies to be filled.

General powers corporation.

Corporate acts, how to be made known:

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his official capacity, in manner aforesaid, shall be as valid and effectual, in law, as if the corporation had a common seal, and the same was affixed in due form to said contract, writing, deed, or conveyance. The Legislature hereby reserves the right to alter, amend, or repeal this charter.

Trustees of
Moscow Sem-
inary.

SEC. 3. *Be it further enacted*, That S. B. Sutton, A. B. Hayes, John S. Hall, A. G. Merriwether, William Davis, and George W. Humphries, and their successors, be appointed Trustees of the Moscow Seminary, who shall have the sole management of said Seminary, and shall be governed in all respects by the provisions of an act, entitled, "an act to incorporate the Trustees of the Moscow Seminary, and for other purposes," approved March 3, 1842. And all acts, or parts of acts, coming within the purview of this section of this act is hereby repealed.

Hickman City
Court may ap-
point agent to
sell land dona-
ted to county.

SEC. 4. *Be it further enacted*, That the County Court of Hickman county shall, at their April or May term, appoint an Agent, whose duty it shall be to make sale of and convey all the lands remaining unsold, which were donated to said county by the provisions of an act, entitled, an act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purposes of education, approved January 13, 1834, consisting of twenty quarter sections, or thereabouts; and such agent shall sell said lands either at private or public sale, for cash or credit, as the said Court may order and direct; and when sold, he shall transfer an amount of the proceeds thereof, equal to twelve times the average value of said quarter sections, to the Trustees of the Moscow Seminary, and the residue to the Trustees of the Clinton Female Seminary, to be used agreeably to the provisions of each of their respective charters.

Duty of agent
in making sale.

Approved March 6, 1850.

CHAPTER 486.

AN ACT to amend the laws in relation to the city of Newport.

President and
council may
take up old
claims and re-
new certificate.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, the President and Common Council of the city of Newport be authorized to take up all existing claims against said city, whether due or not, and issue instead thereof, to the holder or holders, new certificates to discharge said claims, or any of them, bearing an interest from date, not to exceed the rate of eight per cent. per annum, to be paid yearly, and the principal to be discharged in not less than five nor more than twenty years after the period of issuing any such certificates.

May lay out
Buena Vista ad-
dition into
wards, &c.

SEC. 2. That the President and Common Council of said city shall have power to lay out the Buena Vista addition to said city, into ward or wards, and order elections to be

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held therein for councilmen and other officers, at the same time and in the same manner as in the other wards of said city; or the President and Common Council may extend the third ward, so as to embrace all that part of said addition lying east of York street, and the fourth ward so as to include all of said addition lying west of said street.

SEC. 3. The President and Common Council shall have the exclusive right to license and tax all taverns, groceries, coffee houses, and houses of public resort, (except gaming houses and houses of ill fame,) within said city; but tavern keepers, retailers, and ten pin or bowling alleys, shall be liable to the revenue tax; they shall have the right to license, regulate, and tax all carts, wagons, drays, hackney coaches, and porters, which may be plying in said city for hire.

May license & tax all taverns, &c.

SEC. 4. That it shall be the duty of said President and Common Council, and they shall have power, to purchase or lease grounds in or near said city, and if the same should be unimproved, it shall be their duty to erect suitable buildings thereon for an asylum, in which the indigent poor of said city shall be provided for, at the expense of said city; said asylum shall be managed by a suitable person, to be appointed by the President and Common Council; they shall, also, appoint a committee of themselves, or others, as special overseers of the poor, who shall place poor persons in said asylum, at their discretion; but the whole establishment shall be under the control and care of the President and Common Council, who may, from time to time, make such appropriations out of the general revenue of said city for the purchase of ground, erection of buildings, or support of said asylum, as they may deem expedient; and may levy an additional poll tax, not to exceed one dollar in any one year, upon the white male inhabitants of said city over the age of twenty one years; which tax, when levied, shall be collected in the same manner that other poll taxes are now collected in said city; and when collected, said tax shall be appropriated to the use and benefit of said asylum.

May purchase ground for an Asylum, &c.

Appoint overseers of the poor.

May make appropriations.

May levy tax, and how collected.

SEC. 5. That, hereafter, the Campbell County Court shall not levy or collect any poll or capitation tax within the corporate limits of the city of Newport; and said County Court shall not allow, or the county be chargeable with, any claim or claims for the benefit of the poor of said city; or for any jail fees for persons confined, under the order of any Justice of the Peace, in the work house of said city; or any other claims originating in said city, which, by law, are now chargeable to said county; but said claims shall be hereafter chargeable to and paid by said city.

Campbell C'ty Court. not to levy tax, &c.

Approved March 6, 1850.

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CHAPTER 487.

AN ACT to incorporate the Kentucky Fire Company, No. 2, of Covington.

Corporators' names.

Name & style, powers.

May purchase a Fire Engine, &c.

May make rules and by-laws.

Officers.

Members not exceeding 300, exempt from militia duty, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Daniel Senour, Robert Dunlap, S. H. Cambron, L. D. Cronniger, Franklin Riggs, John O'Donnell, John White, A. R. Hughes, and their associates, are hereby created a body politic and corporate, by the name and style of the "Kentucky Fire Company, No. 2, of Covington;" and, as such, shall have perpetual succession, and may be capable, in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any action or suit in any court whatever; and may have and use a common seal, and change the same at pleasure.

SEC. 2. They shall have the right to purchase, take, and hold, a fire engine, hose, and the necessary apparatus and tools for the use and repair of the same; to sell and convey and purchase other engines, &c. They may purchase and hold in the city of Covington as much ground as will be required for a convenient engine house and place to transact their business; and it shall be their duty to organize themselves as a fire company, and keep an engine, hose, and necessary dependent apparatus for extinguishing fire, at all times in good order and repair; and on an alarm of fire, to repair to the same with their engine, &c., and use due diligence for the extinguishment of the same; and they shall transact no other business than what belongs to a fire engine and hose company.

SEC. 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties, for the government of the company, and the preservation of the property of the same; that they may deem proper, not contrary to the laws of this State, or the United States.

SEC. 4. The management of the property of said company, and its government, shall be under the direction of a President, Vice President, and four Directors, chosen at such time and place, and by such persons, as the by-laws of the company shall direct; and they may have a Secretary and Treasurer, and keep a record of their proceedings.

SEC. 5. The members of this company, not to exceed three hundred, shall be exempt from militia duty, except in time of war, and from service on all juries and venires. The Secretary of said company, on or before the first of February in each year, shall furnish the Sheriff and Circuit Court Clerk with a list of the members of said company.

Approved March 6, 1850.

CHAPTER 488.

1850.

AN ACT for the benefit of the widow and heirs of Washington Wines, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Bennet W. Terry, administrator of Washington Wines, deceased, to file a petition in the Barren Circuit Court, in conjunction with Melissa Wines, widow of said Washington Wines, and the guardian of his infant heirs, (if they have any,) praying for a sale of the tract of land on which said widow and heirs reside; and if it shall be made appear to the court that it will redound to the interest of said widow and heirs that said land be sold, and the proceeds vested in other lands for their benefit, that the court decree a sale thereof, taking care to guard the respective interests of said widow and heirs in said after-acquired land.

Approved March 6, 1850.

CHAPTER 489.

AN ACT to incorporate the Trustees of Canton Academy, in Trigg county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Franklin G. Noel, John L. Burradell, William R. Lee, Allen T. Noe, and James T. Gore, be and they are hereby constituted a body politic and corporate, to be known by the name and style of "The Trustees of Canton Academy," and by that name shall have perpetual succession.

SEC. 2. That upon the death, resignation, or removal of any of the said Trustees, or their successors, a majority of the remaining Trustees shall have power to fill any such vacancy or vacancies: *Provided*, that, always, at least one of the said Trustees shall be a member of the order of the Sons of Temperance, and one other shall be a member of the Masonic Fraternity; and by the name and style of "The Trustees of Canton Academy," may sue and be sued, plead and be impleaded, in any court of law or equity.

SEC. 3. That said Trustees, and their successors, shall have power to acquire, by purchase, donation, bequest, or in any other way, and to hold lands, moneys, or any other property, they may think proper, for the use and benefit of said Institution: *Provided*, the value of the same shall not exceed fifty thousand dollars.

SEC. 4. That it shall be the duty of said Trustees to assemble as often as they may think proper, and make such examination into the progress of the students, and management of the general concerns of the Institution, as they may deem necessary.

SEC. 5. That a majority of said Trustees shall form a quorum to do business; that they shall have power, from

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time to time, to select a teacher or teachers, and to make and enact such rules and by-laws for the government of said Institution as they may deem expedient, not inconsistent with the constitution and laws of this Commonwealth.

SEC. 6. That said Trustees shall, at their first or any subsequent meeting, elect a Chairman, and such other officers as they may deem necessary.

SEC. 7. That the Legislature reserves the power to alter, amend, or repeal this act at pleasure.

Approved March 6, 1850.

CHAPTER 490.

AN ACT for the benefit of the heirs of George Render, deceased, and for other purposes.

Whereas, it is represented that the heirs of George Render, deceased, are the owners of a tract of land in Ohio county, purchased by said Render in his life time from Thomas M. Berryman, and that some of said heirs are infants, and that it would be to the interest of said heirs that said tract of land be sold and the proceeds divided among said heirs. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the executor of said George Render, deceased, and the heirs, or their guardian, or either of them, to file a petition in the Ohio Circuit Court; and upon proof made, sufficient to satisfy the Judge of said court, that it would be to the interest of all parties interested, he may render a decree authorizing the sale of said tract of land, upon such terms as he may deem just and right, and to distribute the proceeds among the heirs, or those entitled to the same, taking bond, with sufficient security, payable to the Commonwealth, from the guardian or guardians of such infant heirs as may be entitled to a distributive share of said proceeds, conditioned for the rightful holding and disposition thereof.

SEC. 2. *Be it further enacted,* That the Judge of the Shelby Circuit Court be and he is hereby authorized to decree a sale of a tract of about one hundred and nineteen acres of land, in Shelby county, of which Robert Glass died seized and possessed, or so much thereof as will pay the debts of the estate of said Glass, deceased, in lieu of the slaves belonging to said estate, upon such terms as he may think proper, upon the petition of the administrator of said estate, setting forth that it would be to the interest of said estate to make sale of said tract of land in lieu of said slaves: *Provided,* That said administrator shall enter into bond, in the Clerk's office of said court, in a penalty to be fixed, and security to be approved by said court, conditioned to appropriate the proceeds of said sale to the payment

Shelby Circuit
Court may de-
cree sale land of
R. Glass.

of the debts of the said estate of said Robert Glass, deceased.

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Approved March 6, 1850.

CHAPTER 491.

AN ACT for the benefit of Randal G. Hays.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Randal G. Hays to make report to the Nelson County Court of the amount of assets and property in his hands as the guardian of Cora Johnson, which report shall be entered of record and certified to the Hardin County Court, and there entered of record; whereupon, it shall be lawful for the said R. G. Hays to execute a bond, as the guardian of the said Cora Johnson, in a penalty of double the value of the estate in his hands, with good and sufficient security, to be approved by the Hardin County Court, payable as guardian's bonds are now payable; and thereafter said Hays shall make settlements and reports to said Court, and be held by said Court to the performance of all the duties of guardians now prescribed by law.

Approved March 6, 1850.

CHAPTER 492.

AN ACT for the benefit of the heirs of Henry E. Spilman, deceased.

Whereas, it is represented that Henry E. Spilman, deceased, late of Campbell county, did, in his lifetime, sell, to sundry persons, lots or parcels of land situate in this State, and executed his title bond therefor, and died before conveying the same to the purchasers, and leaving infant children. In order, therefore, to save the expenses of various suits to said heirs,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Franklin and Edward K. Spilman, executors of Henry E. Spilman, deceased, be authorized to convey, by deed or deeds, all the right, title, and interest, of the heirs of the said Henry E. Spilman, in and to any lots or parcels of land sold by the said Spilman in his lifetime, so soon as the purchaser or purchasers shall pay to said executors, or either of them, the purchase money and interest, or shall produce the decedent's receipt therefor; and said conveyance, when made in pursuance to this act, shall be binding upon said heirs.

Approved March 6, 1850.

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CHAPTER 493.

AN ACT explanatory of an act, entitled, an act to charter the Lancaster and Crab Orchard Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the commencement of the Lancaster and Crab Orchard Turnpike Road, (as contemplated by the act to which this is explanatory,) shall be at the court house in Lancaster, and that any sum of money subscribed and paid by the President and Board of Trustees of said town, shall be considered as stock taken in said road.

SEC. 2. That the President and Board of Trustees of the town of Lancaster, in their corporate capacity, be authorized to borrow any sum of money not exceeding one thousand dollars, at a rate of interest not exceeding six per cent. per annum, for the purpose of paying the subscription of stock in said road; and that any bond or bonds executed by them shall be binding on their successors in office, and a charge upon the taxes to be levied on the taxable property in said town, until fully paid and discharged: *Provided*, that such bond or bonds shall not be collectable by suit or otherwise from the said President and Board as individuals.

Approved March 6, 1850.

CHAPTER 494.

AN ACT supplemental to an act, entitled, an act to amend the charter of the Covington and Lexington Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the counties of Kenton, Pendleton, Harrison, Bourbon, and Fayette, (and should it be determined to extend the road or branches to Georgetown, Winchester, Richmond, or Danville,) then, also, the counties of Scott, Clarke, Madison, Jessamine, Mercer, and Boyle, for the purpose of making payment of their subscriptions to the stock of said company, which they are authorized to make, the County Courts of said counties shall levy and collect a tax on the taxable property, within the jurisdiction of each, not exceeding one per cent. per annum for three years, to be collected as the revenue tax is collected: *Provided*, that before a subscription shall be made and the tax levied, the question of levying the tax shall be submitted to the voters of the county, and if a majority of the votes cast shall be in favor of the tax, the same shall be levied.

Approved March 6, 1850.

CHAPTER 496.

1850.

AN ACT for the benefit of the late Sheriff of Taylor county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Marshall, late Sheriff of Taylor county, have until the second Monday in July next to return his delinquent list for the year 1849, and the Auditor is directed to settle with said Sheriff as if said list had been returned at the proper time.

W. Marshall.

SEC. 2. *Be it further enacted*, That it shall be lawful for Willis White, the present Sheriff of Ballard county, to collect the revenue tax and county levy for said county for the year 1850, provided that Joseph W. James, the Sheriff of said county, from and after the fourth Monday in May, 1850, shall give his assent, in writing, to the May County Court of said county, that the provisions of this act shall be extended to the said Willis White, authorizing him to collect the revenue tax and county levy for the year 1850.

Willis White.

SEC. 3. *Be it further enacted*, That James S. Fish, late Deputy Sheriff of Rockcastle county, be and he is hereby allowed the further time of two years to collect, distrain, and levy, for all tax and fee bills due him, as Deputy Sheriff aforesaid.

James S. Fish.

Approved March 6, 1850.

CHAPTER 497.

AN ACT for the benefit of the estate of John Collins, deceased.

Whereas, it is represented to the Legislature of Kentucky, that John Collins departed this life in the county of Hart, some time since, first having made and published his last will and testament, and which has been duly admitted to record, and that J. G. Collins and G. W. Collins, the executors therein named, have duly qualified as such; and that said executors finding the personal estate of said decedent insufficient to pay the debts of testator, and conceiving that they had authority under the will, made sale of a portion of decedent's real estate, a part of which has been paid by the purchaser, A. Hatcher, and a part of which yet remains unpaid; and, whereas, doubts exist whether or not said executors have the power to convey the same, on the payment of the remainder of the purchase money. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the executors of John Collins, deceased, to file their bill in the Circuit Court of Hart county, setting out all the facts, and making the heirs and devisees of John Collins, deceased, and the said A. Hatcher, defendants thereto; and when all the parties are fully before the Court, it shall be lawful for said

1850.

Court to hear and determine the same, and make such decree therein, either confirming the sale and decreeing a conveyance, or rescinding the contract, as the said Court may seem most conducive to the interest of the parties.

Approved March 6, 1850.

CHAPTER 499.

AN ACT to incorporate the Smithland Dock Company, and Talbott House Company.

Name & style,
powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the company formed in the year 1849, for the purpose of building a Dock at or near the town of Smithland in this State, shall be and the same is hereby incorporated, by the name and style of "The Smithland Dock Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places.

Capital stock,
and how divid-
ed.

SEC. 2. That the capital stock of said company may be fifty thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid, in such manner and on such terms and conditions, as said company have heretofore prescribed, or may hereafter prescribe, by its regulations and by-laws; and said stock is hereby declared personal estate, and may be assigned and transferred in such manner as said company may, from time to time, prescribe by its regulations and by-laws.

Officers.

SEC. 3. That said company shall have a President and five Directors, a Clerk and Treasurer, and such other officers as said company may deem necessary, who shall or may hold their respective offices during such periods, and under such rules and regulations, and who may exercise such powers and functions, as said company, under this act, may, from time to time, prescribe by its by-laws and regulations.

Power to build
Dock, &c.

SEC. 4. That said company shall have power and authority to build or construct a Dock, or Marine Railway, or both, at or near Smithland, and to repair, re-build, and sell and dispose of the same as it may think proper. Said company shall have and enjoy all the emoluments and profits arising from said Dock, or Railway, and shall have power and authority to make such by-laws, and rules, and regulations, respecting the dividends and profits thereof, as to it shall seem proper. It shall have power and author-

By-laws may
be enacted.

May hold real
and personal
estate.

Regulate elec-
tions of officers.

ity to purchase and hold all such real and personal estate, as may be necessary or convenient, to enable said company to perform and enjoy the powers and privileges contemplated by this act. Said company shall make by-laws regulating the time and place of electing the officers of said company, and the term of their service, and the

mode and manner of filling vacancies which may occur in said offices. Said company shall make by-laws prescribing the time and place of holding meetings of the stockholders, and regulating the mode and manner of subscribing and paying in the stock of said company, already subscribed, or which may hereafter be subscribed. And said company shall have full and complete power and authority to make any and all other by-laws, and rules, and regulations, which may be necessary or convenient, to enable said company to construct and manage said Dock, or Railway, and to perform and enjoy all the powers and privileges by this act contemplated. All of which power and authority, to make rules, by-laws, and regulations, may be exercised by the stockholders under the rules and regulations prescribed by said company; or may be, in part or in whole, exercised by the officers of said company, as may seem best, and may be prescribed by said stockholders: *Provided however*, that no rule, regulation, or by-law, of said corporation, shall be contrary to the laws or constitution of this State, or of the United States.

1850.

Stock, how to be subscribed.

General powers.

Sec. 5. That said company shall keep a book or books, in which they shall cause a particular record of their proceedings, and rules, regulations, and by-laws, to be entered; and which shall at all times be kept open to the inspection and examination of all persons owning stock or desiring to deal with said corporation.

Keep a record of proceedings.

Sec. 6. That all bonds, or written contracts, entered into according to the rules, regulations, and by-laws of said company, and signed by the President and countersigned by the Clerk of said company, or such other officer as the company may, by by-law, direct, and all obligations and liabilities of said corporation, under the general laws, shall bind the property, real and personal, of said corporation, and the stockholders to the amount of their subscriptions, but no farther: *Provided*, said company, if they desire it, may have and use a common seal, and change, alter, or renew the same at pleasure.

Bonds and contracts of the company binding.

Whereas, it is represented to said General Assembly, that said company has formed itself, and elected James L. Dallam, President; David B. Sanders, Joseph Watts, H. C. Hodge, W. Beverly, and P. H. Conant, Directors; H. F. Given, Treasurer; and John E. Newman, Clerk; and that about the sum of five thousand dollars of stock has been subscribed; and said company has made its by-laws and constitution. Therefore,

Names of officers.

Sec. 7. *Be it further enacted*, That this act of incorporation shall take effect and be in force from and after its passage; and that all the rules, regulations, and by-laws of said company, heretofore adopted, and not inconsistent with this charter, and the laws and constitution of this State, and of the United States, be and the same are here-

Act in force from its passage.

1850, by legalized and sanctioned; and said corporation may proceed to business.

Charter may
be amended.

SEC. 8. The Commonwealth saves and reserves to herself the right to alter, amend, or repeal this charter at any time. But in any alteration, repeal, or forfeiture of this charter, the rights of the respective stockholders shall be secured, and said corporation may continue its existence for the purpose of closing its concerns.

Name & style.

SEC. 9. *Be it further enacted*, That F. C. Sharp, Z. Glass, F. G. Montgomery, Isaac Landes, and James F. Buckner, and their associates, present and future, their successors and assigns, shall be and they are hereby created a body politic and corporate forever, by the name of "the President and Managers of the Talbott House Company;" and by that name and style it shall be lawful for them to contract and be contracted with, to sue and be sued, plead and be impleaded, as natural persons, in all courts and places whatever; and to have and use a common seal, and to change and renew the same at pleasure; and to hold — lots, Nos. —, in the town of Hopkinsville, and such adjoining and other ground as may be required to make the Talbott House a large and convenient hotel; also, such other ground in the town of Hopkinsville as may be required, for stable and stable yard, and convenient carriage and outhouses; and to purchase and hold all such materials as may be required in the construction thereof; and all such goods and chattels as may be needed in furnishing said hotel. And it shall be lawful for them to rent and demise the hotel and furniture, and the stables, and all such rooms and storehouses as they may construct, in the erection of the Talbott House, and which may not be needed as a part of the hotel, but it shall not be lawful for them to engage in any other business; and they shall not, under any pretence, issue and circulate promissory notes, of the character of Bank notes, or in any wise exercise any of the powers and privileges of banking.

Powers.

Names
Managers. of

SEC. 10. *Be it further enacted*, That F. C. Sharp, Z. Glass, Isaac Landes, F. G. Montgomery, and James F. Buckner, shall be first Board of Managers for said company, and they shall elect one of their own body President. The President and Managers shall appoint a Clerk, and keep a fair record of their proceedings. They shall appoint a Treasurer and such other officers and agents as they may require; and may take bond and security from all officers and agents, and may remove them all at pleasure. And the President and Managers of said company shall manage and control the fiscal and prudential concerns of the corporation in all things.

Books to be
opened.

SEC. 11. *Be it further enacted*, That said President and Managers shall meet at any convenient time after the passage of this act, and open books for the subscription of

stock, in the town of Hopkinsville, and in such other places as they may deem proper, so as to procure the subscription of one thousand shares of fifty dollars each, which shall constitute the capital stock of said company. The stock shall be personal estate, for which the President and Managers shall issue certificates to the owners, which shall be transferable in such manner as the company shall prescribe by their by-laws.

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SEC. 12. The stockholders shall have a right to make such by-laws, rules, and regulations, for the government of the corporation, and the direction of the President and Managers, as they may deem expedient; also, to fix the time of service of the President and Managers, and the time and place of calling and holding general meetings of the stockholders, and of elections for President and Managers, and who shall be eligible as such; but none of their rules and regulations shall be contrary to the constitution and laws of this State, or of the United States.

Stockholders make by-laws.

SEC. 13. The President and Managers shall have the right to declare when a stockholder has forfeited his stock, and the payments made on it; but no such forfeiture shall be made by them, without the service of actual notice on the delinquent stockholder, for the space of twenty days, before the record of such forfeiture shall be made on the books of the company.

Stock, when and how forfeited.

SEC. 14. That it shall be sufficient service of process against the corporation to execute the same on the President and Clerk. And the corporation shall be bound to enter an appearance at the first term, and judgment by default may be entered, or a trial had, as though the corporation were a natural person.

Service of process.

SEC. 15. The stockholders shall be liable for any debts contracted by the corporation, out of their individual estates, to the extent of stock held by each; and the corporation shall not devote their funds, nor extend their business to anything but that which they are expressly permitted to do by this act. And the Legislature reserves the right to repeal or modify this act.

Liabilities.

SEC. 16. That the capital stock shall be fifty thousand dollars, in shares of fifty dollars each. That whenever the sum of ten thousand shall have been subscribed by individuals, companies and corporations, the company are then authorized to commence business, in the purchase of a lot or lots, or building materials.

Capital stock, and how divided.

SEC. 17. At the time of subscribing, each subscriber shall pay ten dollars on each share, and the remaining balance to be paid in installments, of ten dollars on each share, provided that not more than six calls shall be made in any one year.

Payments on subscribing.

Approved March 7, 1850.

1850.

CHAPTER 500.

AN ACT for the benefit of the Tubman free school, in the town of Paris, and for other purposes.

Allowance to
the Tubman free
school.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, hereafter, there shall be allowed to the Tubman free school, established at Paris, in Bourbon county, and sustained by the Tubman fund, the same amount per scholar as may be allowed per scholar to the other School Districts in this State, and the Superintendent of Common Schools is hereby directed to receive from the Trustees of said school a report of the number of scholars taught therein; and when such report is received by him, he shall place said school upon the footing of other School Districts in the State.

School district
in Clay and Lau-
rel, further time
to make return.

SEC. 2. *Be it further enacted*, That Trustees of the School District which lies partly in Clay and partly in Laurel county, have the further time of six months to report a school taught in said district in 1848 and 1849, and upon making a report according to law, shall be entitled to draw from the school fund their proportion according to the time said school may have been taught.

Approved March 7, 1850.

CHAPTER 501.

AN ACT for the benefit of the Sheriff of Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of one year be granted to Jonathan Williams, late Sheriff of Russell county, and his deputies, to return, his delinquent list of muster fines, and to collect the arrearages of taxes and fee bills in their hands, due for the years 1840, 1841, 1842, and 1843, and they may levy and distrain for the same as now provided by law in other cases.

Approved March 7, 1850.

CHAPTER 502.

AN ACT to incorporate the Columbus Fire, Life, and Marine Insurance Company.

Corporators'
names.

Name & style.

Powers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Cooke, John P. Grey, Joseph R. Perkins, J. B. Knight, J. W. Kendall, W. E. Warfield, and Ben. Edwards Grey, together with those who may hereafter become stockholders, as hereinafter directed, are hereby created a corporation and body politic, by the name and style of the President and Directors of the Columbus Fire, Life, and Marine Insurance Company: and shall continue until the first day of January, 1870; and by that

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name are hereby made capable and able, in law, to have, purchase, receive, possess, and enjoy, and retain to them and their successors lands, tenements, and rents, goods, chattles, and effects, to an amount not exceeding, in the whole, one hundred and fifty thousand dollars, and the same to sell, convey, and dispose of; to sue and be sued, to plead and be impleaded, answered and be answered, defend and be defended, in all courts of law or equity in this Commonwealth, or elsewhere; may make and use a common seal, and the same to break, alter, or renew at pleasure; to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall be deemed necessary and convenient for the government of said corporation, not contrary to law; and generally, to do all acts and things that a corporation may lawfully do.

SEC. 2. That the persons named in the first section, or any two of them, shall open books of subscription for the stock in said company, which shall consist of three thousand shares of fifty dollars each, payable in gold or silver, or the bills or notes of the solvent banks of Kentucky, and shall, at the same time of subscribing, have the right to demand of each subscriber and receive five dollars on each share, and to have the residue secured to the satisfaction of said corporation, either by mortgage of real estate or good personal security, receivable at such times and in such manner as said corporation may, by its ordinances and regulations, prescribe; and to be paid as calls shall be made on the stockholders or subscribers; and said corporation shall have power to have notes for stock renewed, in whole or in part, so as, at all times, to secure the prompt payment of the same for the benefit of said corporation; and it shall be the duty of the President and Directors to give at least thirty days' notice of any call they may make; and if any stockholder shall fail to meet such call, or to secure the payment of his stock, or any part of the same, as aforesaid, it shall be lawful for the President and Directors to sell such delinquent shares, and transfer the same to the purchaser, or declare them forfeited to the company, together with all previous payments thereon; no transfers of stock shall be deemed valid and complete so long as the person transferring the same shall be indebted to the said company, until the amount for which such stockholder is indebted to the said company is secured to the satisfaction of said President and Directors; and the stock of every stockholder shall be held as collateral security for the payment of whatever sum such stockholder may be indebted to said company, by notes for stock or otherwise.

SEC. 3. That the shareholders shall meet at the place of opening books for the subscription of stock in said company, on the first Monday in May, 1850, or within ninety days after the necessary amount of stock be taken and paid in,

Books how & when opened.

Capital stock, how divided, &c.

May mortgage estate to pay stock.

Penalty for failing to pay stock.

Meeting for election of officers, &c.

1850.

Notice of elections to be given.

and at the office of the company on the first Monday in May in each successive year, and elect a President and five Directors, who shall continue in office until the first Monday in May in each ensuing year, and until their successors shall be elected; of which elections previous notice shall be given by three successive weekly publications in the paper or papers published in Paducah. Any vacancy that may occur, from any cause, in the board shall be filled by the President and Directors, or a majority of them, for the residue of the year; and no person shall be President or Director who is not the owner of at least ten shares of stock.

Shares stock, how regulated.

SEC. 4. That, in all elections by the stockholders, each share shall entitle the holder thereof to one vote, and no shareholder shall be entitled to vote at any election for President and Directors unless he shall have been the holder or owner of the stock three months prior to such election, by regular transfer upon the books of the company; and shares may be voted upon by the executor or administrator of the deceased owner, or by proxy.

President and Directors to appoint officers & prescribe duties.

Bonds to be given by officers.

SEC. 5. That the President and Directors, for the time being, shall have power to appoint such officers and agents, under them, and at such places, as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the faithful discharge of their respective duties and trusts; and the said President and Directors shall have power to make by-laws and ordinances to govern the corporation, and may repeal, alter, or amend them. The President and three Directors shall constitute a quorum to do business, or four Directors without the President, one of whom shall be President *pro tempore*.

May make insurance and charge premium on buildings, &c.

Gen'l powers of insurance.

SEC. 6. That the President and Directors, for the time being, shall have power and authority, in the name of the company, to make insurance, at such rate of premium or interest as may be agreed upon by the parties, upon buildings, furniture, machinery, goods, wares, and merchandise, of every description, against fire in town or country; and, also, insure and make all necessary rules about the same on every description of property transported by land or water in the United States; and, likewise, to make insurance on lives, by sea or water, or on shore; and to contract for, grant, bargain, and sell annuities; and to make all kinds of contracts in which the casualties of life or property are involved; and in every such contract, bargain, agreement, or policy, to be made by said corporation, shall be in writing or print, and shall be signed by the Secretary or Clerk, or any agent who may be appointed by the President and Directors for that purpose.

SEC. 7. It shall be the duty of the President and Directors, on the first Mondays of May and November in each

and every year, to make a dividend of so much of the profits of said corporation as to them, or a majority of them, shall appear advisable; and in any case of loss or losses, whereby the capital stock of the corporation shall be lessened or impaired, no subsequent dividends shall be made until a sum equal to such diminution, and arising from the profits of said corporation, shall have been added to the capital.

1850.

Dividend to be declared semi-annually.

SEC. 8. The said corporation shall not issue notes or bills of credit, nor in any manner engage in the business of banking, otherwise than in purchase and sale of bills of exchange; nor shall said corporation commence business, or grant any policies of insurance, until an amount equal to five hundred shares is subscribed and paid for.

Notes or bills of credit not to be issued.

SEC. 9. That whenever said corporation shall be notified of any loss sustained or incurred, on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or insured, on such policy, within sixty days after being so notified as aforesaid: *Provided*, there shall have been no violation of the conditions of the policy on the part of the insurance.

Duty of company on notice of losses.

SEC. 10. Said corporation, by its proper officers, shall at all times keep a record of its by-laws and proceedings, of every kind, in which it may be authorized to engage under this charter, which shall at all times be open to the inspection of any person or persons interested.

Keep record of proceedings.

SEC. 11. The Legislature reserves the right to modify or repeal the above charter when they shall think expedient.

Approved March 7, 1850.

CHAPTER 503.

AN ACT to incorporate the Piatt's Ferry Turnpike Road Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and is hereby formed, for the purpose of making an artificial Turnpike Road from Piatt's Ferry, on the Ohio River, opposite the town of Lawrenceburg, Indiana, running thence so as to unite with the Petersburg and Burlington Turnpike at or near the point where the Burlington and Lawrenceburg road now leaves the said Turnpike Road, on the McAdamized plan, to be known as the Piatt's Ferry Turnpike Road Company, and by that name shall be a body politic.

Company incorporated.

SEC. 2. The capital stock of said company shall be five thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

SEC. 3. Subscriptions for stock in said company shall be opened, so soon as it may be convenient after the pas-

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Books to be opened for subscription of stock, &c.	
Obligation to be given.	
Meeting of stockholders to be called.	SEC. 4. That so soon as fifty shares of stock shall have been taken, or subscribed for, the commissioners shall call a meeting of the stockholders at Piatt's Ferry, first giving ten days notice thereof, by advertisement, at Piatt's Ferry and at Mitchellsville, for the purpose of electing a President and five Directors.
Election, how held.	SEC. 5. The power of holding and conducting the election of the officers of said company shall be vested in any three of the commissioners who may be present when the subscribers shall assemble; they, or a majority of them, representing the larger amount of the shares, shall proceed to the election of the above named officers, who shall hold their offices for one year, and until their successors are elected and qualified.
Location of road, how determined.	SEC. 6. The location of the aforesaid road to be determined by a majority of the shareholders, in the same ratio as provided in the sixth section of an act incorporating the Petersburg and Burlington Turnpike Road Company.
Gate, when to be erected.	SEC. 7. The company is hereby authorized to erect a gate, at any point they may see fit, so soon as the road is completed, and to exact tolls for traveling thereon in proportion to the rates of five miles travel on the Petersburg and Burlington Turnpike Road: <i>Provided however</i> , that no tolls shall be exacted from those traveling on said road a less distance than one half mile.
Powers of the President, &c.	SEC. 8. That as soon as the company is organized, the President, Managers, and other officers, shall possess all the powers, authority, rights, and privileges, and shall and may do all acts and things necessary for carrying on and completing said road, as well as locating as laying out the road, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Petersburg and Burlington Turnpike Road Company; and all the provisions of said act, as well as those of the Paris, Winchester and Kentucky River Turnpike Road
Tolls.	

Company, are hereby made part hereof, except so far as they are local in their application, or come in collision with the foregoing sections: *Provided*, that nothing directly herein enacted, or by any reference to previous acts of the Legislature, shall in any event make the State liable to the payment of any money.

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SEC. 9. *Be it further enacted*, That a company shall be formed under the name, style, and title of the "Carrollton and Eagle Creek Turnpike Road Company," for the purpose of forming and making an artificial road.

Carrollton & Eagle creek turnpike road company established.

SEC. 10. *Be it further enacted*, That the capital stock of said company shall be thirty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such amount as they may deem necessary, and open subscription therefor, in such manner as they may think proper.

Capital stock.

SEC. 11. *Be it further enacted*, That books for the subscription of stock in said company shall be opened on the first Monday in March next, or as soon thereafter as convenient in the county of Carroll, under the direction of Richard P. Butler, William B. Winslow, A. H. Lothrop, John W. Root, J. Z. Price, M. W. Browinski, David Supplee, N. D. Smith, Magruder Barrett, Scott Tandy, John P. Tandy, Thomas Hanks, Hardin Davis, Charles Ingles, Ben. F. Cox, or any one or more of them, who are appointed Commissioners. The said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, promise to pay to the President, Directors and Company of the Carrollton and Eagle Creek Turnpike Road Company, the sum of fifty dollars for every share of stock in said company, and agreeably to an act of the General Assembly of Kentucky incorporating said company. Witness our hands this — day of —, eighteen hundred and fifty." The said Commissioners, or a majority of them, shall give notice, by written advertisement, posted up at two or more public places in the county of Carroll, of the time and places of opening the books for the subscription of stock in said company; and that they will continue open until the amount of capital stock, or a sufficient amount thereof for the construction of the road, shall be subscribed.

Books to be opened, when, how, &c.

Obligation of subscribers.

Notice of opening books, how to be given.

SEC. 12. *Be it further enacted*, That so soon as ten thousand dollars shall be subscribed, the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and four Directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Direc-

Meeting of stockholders to be called to elect officers.

To take oath.

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Treasurer appointed.

tors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace, that they will faithfully perform the duties of President and Directors. (as the case may be,) without favor or affectibn, according to the best of their judgment. That, upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their offices for one year, and until others shall be appointed. The Treasurer of said company shall, before he enters on the duties of his office, give bond, with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer; and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors; and that he will perform the duties required of him by the by-laws of said company.

Body politic and corporate.

Name & style, powers, &c.

SEC. 13. *Be it further enacted*, That upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the "Carrolton and Eagle Creek Turnpike Road Company;" and by the said name the said Company shall have perpetual succession, and all the privileges and franchises incidental to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

Votes, how regulated.

SEC. 14. *Be it further enacted*, That the number of votes to which each stockholder may be entitled shall be according to the number of shares he shall hold; and after the first election, no share or shares shall confer a right of voting, which shall not have been holden three months previous to the election. The stockholders may vote in person or by written proxy, and no person who is not a resident of Carroll county, and a stockholder, shall be eligible as President, Director, or Treasurer; and the President and Directors shall cease to be such on his or their ceasing to be a stockholder. The annual election for a President and Directors shall be holden on the first Saturday in May, annually, at such place as may be directed; at which time the President shall lay before the stockholders an expose of the

Annual election, when to be held, &c.

situation of said company, also, the record of their proceedings for the preceding year. The company shall have power to fix and alter, at pleasure, the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests.

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SEC. 15. *Be it further enacted*, That the President and Directors, first chosen as aforesaid, shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of said corporation, to each stockholder, for the stock subscribed by him and held; which certificate or certificates shall be transferable on the books of said corporation in person or by attorney; but no share shall be transferred, until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

Certificate of stock to be delivered, & may be transferred.

SEC. 16. *Be it further enacted*, That the President may call meetings of the Directors at such times and places as he may think proper; two of the Directors with the President, and a majority of the Directors in the absence of the President, shall constitute a quorum to do business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose, and shall be signed by the President, and in the absence of the President, the Directors shall elect one pro tem; and they shall adjourn from time to time, as they may think proper. The Board of Directors may also allow the President and Treasurer such compensation as may be deemed reasonable.

May call meetings.

Keep record, &c.

President, &c., may be allowed compensation.

SEC. 17. *Be it further enacted*, That the President and Directors shall have power to fill vacancies in their body, occasioned by death, resignation, or otherwise; to agree with and appoint all such surveyors, engineers, superintendents, artists, officers, &c., as they shall deem necessary to carry on the work; to fix their salaries and wages; to remove any of them at pleasure; to provide the time, manner, and proportion, in which the stockholders shall make payments on their respective shares to carry on said work; to draw orders on the Treasurer for all moneys necessary therefor, and to do all such matters and things as by this charter, and the by-laws of the corporation, they are authorized to do.

Further powers of President, &c.

SEC. 18. *Be it further enacted*, That the President shall give notice, by public advertisement posted up at the court house door in Carrolton, for at least thirty days, of the amount of the call on each share of the stock, and of the time of payment; if any stockholder shall neglect or refuse to pay his proportion of the stock for the space of thirty days after the time appointed for the payment thereof, every

Notice to be given of calls on shares.

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Stock to be
forfeited on re-
fusing to pay
calls.

such stockholder shall, in addition to the instalment called for, pay at the rate of one per cent. per month for every delay of such payment, and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of three months after the time of such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the President, by order of the Directors, after having ten days public notice, may proceed to sell such forfeited shares: *Provided*, they will bring the amount due and unpaid upon said share or shares: *And, provided, also*, that no share holder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount due and payable, as aforesaid, on the share or shares held by him, shall have been paid, agreeable to the requisitions of the President and Directors: *And, provided further*, that nothing herein contained shall be construed so as to deprive the President and Directors of the right to sue and coerce payment, by law, of any amount of capital stock subscribed as aforesaid at their election.

Width of road.

SEC. 19. *Be it further enacted*, That the width of the artificial part of said road shall not be more than forty feet, and the portion of it covered with metal or McAdamized stone, or plank, shall not be less than sixteen feet; and if covered with stone it shall be fully nine inches in thickness or depth.

May employ
Engineers, &c.

May enter up-
on lands.

SEC. 20. *Be it further enacted*, That it shall be the duty of the President and Directors, or a majority, to fix the route over which said road shall pass; and, for that purpose, to employ all necessary surveyors, agents, engineers, artists, chain carriers, &c., at the costs of the company; and they are hereby authorized to enter in and upon the land and enclosures, public roads and highways, in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor; to examine for quarries, beds of stone, and other material necessary for the completion and repairs of said road.

May enter up-
on lands, and
how.

SEC. 21. That in case the corporation shall not be able to acquire the title to the lands over which the road shall be laid, by purchase or voluntary cession, it shall be lawful for said corporation to appropriate so much of said lands as may be necessary to its own use, for the purposes contemplated by its charter, on complying with the provisions of the six following sections.

Lands, &c.,
how to be as-
sessed.

SEC. 22. The Directors shall present a petition to the County Court of Carroll, setting forth the lands or materials wanted for the construction of the road, or the appendages thereto, and the names of the owners thereof, if known, distinguishing, with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess

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the damages which the owners of such land will severally sustain by reason of the appropriation thereof by the corporation to its own use.

SEC. 23. On the presentation of such petition the said court shall appoint a day for the hearing of the parties interested, and shall direct such notice, as the court shall deem reasonable, to be given of the time and place of hearing. In case it shall appear that any of the owners of the said land are unknown, or feme covert, an infant, insane, or otherwise incompetent to take care of his, her, or their interest, it shall be the duty of the court to appoint some discreet and responsible person to act in the premises, in his, her, or their behalf, to whom the corporation shall make reasonable compensation for such services, to be awarded by the court.

SEC. 24. At the time appointed for such hearing, the said court shall appoint three disinterested free holders, residents of the county in which the land is situated, for the purpose of assessing such damages; and in the order for their appointment, shall direct as to what lands are to be appropriated by said corporation for the purposes aforesaid.

SEC. 25. The said appraisers, after being sworn before some officer authorized to administer oaths, honestly and impartially to assess such damages, and to take into consideration all the advantages and disadvantages that may accrue to the owners of the said land, by reason of the location of the road through the same, shall proceed, by viewing the said lands and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his lands for the use or accommodation of such road or its appendages.

SEC. 26. The said appraisers shall make a report in writing, under their hands and seals, to the said court, within such time as the court may specify, reciting the order for their appointment, and specifying the parcel or parcels of lands described therein, with all necessary certainty, the names of the owners of the respective parcels, if known, and if not known, stating that fact, and specifying also the damages which the owners of said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid; and in case either of the parties are dissatisfied with the assessment, the court may, on the hearing of the parties interested, modify the assessment as shall appear just: *Provided, however,* that if in the opinion of the court, justice will be better secured between the parties, (and not otherwise,) by extending the number of appraisers or jurors to twelve in place of three, the court is authorized to do so, who shall take proceedings the same as are specified in case the number were not extended. In

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case of a failure to find a verdict, by disagreement or otherwise, the court is authorised to order the proceedings anew, as though none had been previously taken.

SEC. 27. *Be it further enacted*, That on payment of the damages, thus assessed, together with the expenses of assessment, as the same shall be settled by the court, or on depositing the amount thereof for the use of such owners, in such place as the court shall direct, the corporation shall immediately become entitled to the use of said lands, or other property, for the purposes aforesaid.

When gate to
be erected and
tolls received.

SEC. 28. So soon as any four miles of said road, continuously, shall be completed, three Justices of the Peace of Carroll county, who are not interested in the stock of said company, shall be called on to examine the work; and if they shall certify that said road is made in conformity with the provisions of this act, the certificate shall be recorded in the office of the County Court of said county, and the President and Directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, cattle, carriages, &c., &c. In case such disinterested Justices cannot be found, the President and Directors may give notice thereof to the Circuit or County Court of said county, and on such notice being entered of record, the said court shall appoint three fit and discreet persons as Commissioners, whose duty it shall be to inspect said road, or so much thereof as shall be completed; and if it shall be their opinion that the road, or any four miles of it, at any one part, is completed, according to the provisions of this act, their report shall be recorded in said Circuit or County Court, and the Judge or Court shall enter of record how many gates the company may erect; whereupon, it shall be lawful for the company to erect a toll gate for every four miles of turnpike road they have so completed, at any one time, and at such places as to them may seem most eligible: *Provided*, that no toll gate shall be erected within less than one half mile of the Court House in Carrollton.

May appoint
toll gatherers.

Rates of toll.

SEC. 29. *Be it further enacted*, That when the said gate or gates shall be erected, as aforesaid, it shall and may be lawful for the President and Directors to appoint as many toll gatherers as they may deem requisite, and to collect and receive of, and from all and every person or persons using said road, at each toll gate, for each and every four miles they may use or travel on, the toll and rates hereinafter mentioned; and to stop any person riding, leading, or driving, any horse or mule, or driving any cattle, sheep, hogs, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of burden or pleasure, from passing through said gate or turnpike, until they shall have paid toll agreeable to the following rates, to-wit: For every twenty head

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of sheep, hogs, or other small stock, six cents; for every ten head of cattle, six cents; for every horse, mule, ass, or other four-footed animal of a larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported in it; for every four wheel pleasure carriage, exclusive as above, fifteen cents; for eve-cart, if empty, ten cents, and with a burden, fifteen cents; for every four wheel wagon, or other carriage of burden, whose wheels shall not exceed three inches in width, twenty five cents; but are not more than six inches in width, twenty cents; for every such carriage of burden, whose wheels shall exceed six inches in width, ten cents, exclusive of the established toll herein of the beasts by which they are drawn. The President and Directors shall cause printed lists of the rates of toll, which they may lawfully demand, to be affixed at each toll gate on the road.

Sec. 30. *Be it further enacted*, That if any person, liable to pay the tolls aforesaid, at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with intent to defraud the company, pass through any private gate or bars, or along or over any grounds or lands near to or adjoining any turnpike or gate; or, with intent aforesaid, shall take off, or cause to be taken off, any horse, cattle, or other thing, on which toll should be paid, or with intent to lessen or evade the payment of any such toll or duty, shall practise any other fraud or device, or use force, such person, so offending, shall, for every such offence; respectively, forfeit and pay, over and above the tolls, to the President and Directors of said company, a sum not less than one dollar nor more than five dollars, recoverable before a Justice of the Peace, in like manner as other debts of equal amount are in other cases.

Penalty for refusing to pay toll.

Sec. 31. *Be it further enacted*, That if, at any time, the road shall be out of repair for the space of ten days, it shall be lawful for any person to call on two Justices of the Peace in the county to go and inspect said road; and if, upon such examination, and receiving full proof that it had been out of repair ten days, the said Justices, by their order delivered to the Treasurer of said company, or, in his absence, to the President or nearest toll gatherer, direct that no toll or duty shall be received at the gate or gates, over each part of said road so found to be out of repair, until so much of the road shall be repaired and put in good order; and upon the road being repaired, the President and Directors shall call a Justice of the Peace, who shall cause to be summoned five disinterested freeholders to examine the road under oath; and if they shall be of opinion that the road is in proper repair, they shall certify to that effect under their hands and seals, and the Justice shall, thereupon, direct that the usual toll be demanded and taken

Proceedings to be had when road is in bad order.

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at the gate or gates which had been thrown open agreeably to the provisions of this act.

SEC. 32. *Be it further enacted*, That if any toll gatherer or other person shall demand, take, or receive, from any one using said road, a greater amount of toll than is provided in this act, or shall take or receive toll when the road is declared to be out of repair, the person so offending shall forfeit the sum of ten dollars, one half of which may be claimed by the party injured, to be recovered before any Justice of the Peace, as other debts of a like amount.

To keep account receipts.

Dividends, & how declared.

SEC. 33. *Be it further enacted*, That the President and Directors shall keep a fair account of all the receipts and expenditures of the company, which shall, at all times, be open to the inspection of any stockholder, and be laid before the shareholders at their general meetings; they shall, at the end of every six months after the completion of said road, make a dividend of the clear profits and pay it to the stockholders. The dividends shall be declared on the first of May and November in each year, unless otherwise ordered by the by-laws: *Provided however*, that if the net proceeds of the toll, at the rates herein allowed, shall not produce a dividend of net profits of six per cent. per annum on the cost of said road, the same may be increased so as to produce six per cent. per annum; and if the said rates shall be found in any year to produce more than twelve per cent. per annum, they shall be reduced so that they will not exceed twelve per cent. per annum.

To take bond from gate keepers.

SEC. 34. The President and Directors shall take bonds, with good security, from the gate keepers, and other persons employed by them, for the faithful discharge of the duties assigned them respectively; which bonds they may cause to be renewed whenever they may deem it necessary, payable to the President, Directors and Company, as aforesaid.

Penalty for injury to road

SEC. 35. *Be it further enacted*, That if any person shall wilfully break, deface, pull down, or destroy any mile stone, or other post, which the company may erect or set up on the side of said road, or shall break or tear down any sign board, or obliterate any letters or figures thereon, or tear down or obliterate the rates of toll, set up on or near any turnpike gate, such person, so offending, shall, for every such offence, forfeit and pay a sum not less than one dollar nor more than ten, according to the value of the article injured, to be sued for and recovered as other sums are, before any Justice of the Peace of the county.

Penalty for deadening timber on road side.

SEC. 35. *Be it further enacted*, That if any person shall belt or deaden timber, and leave it standing to rot or decay within one hundred and fifty feet of said road, so that the lives of passengers along the road may, at any time, be endangered thereby, such person, so offending, shall forfeit and pay the sum of ten dollars, to be sued for and

recovered as in other cases mentioned ; and the owners of land along said road, are hereby required to cause to be cut down all such dead timber as may be left standing within the distance of the road specified, under the penalty of one dollar for every dead tree thus suffered to stand.

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SEC. 36. *Be it further enacted*, That all wheel carriages using said road, in passing other wheel carriages, shall keep on the right hand side, leaving at least one half of the track on the other side free and clear for other carriages to pass and repass, except when overtaking or passing a carriage of slower draught, when they may pass on either side, the slow carriage leaving sufficient space; and every carter, wagoner, or driver, offending against the provisions of this act, and failing to do as hereby required, shall be liable to the person injured, for all damages sustained, and a fine of five dollars, to be recovered before any Justice of the Peace, as aforesaid.

Carriages, &c.,
to keep to the
right in passing.

SEC. 37. *Be it further enacted*, That all prosecutions for the penalties under the provisions of this act, shall be maintained and prosecuted at any time within six months after the offence was committed, and not afterwards, unless such suits shall have commenced within the time specified.

How prosecu-
tions to be main-
tained.

SEC. 38. When any four miles of said road shall be completed, the President, Directors and Company may contract for, purchase, and hold to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll gate erected upon said road, agreeably to the provisions of this act; and if they cannot agree for such land, at their respective gates, with the owner or owners thereof, they are authorized to possess themselves thereof, by application to the County Court, and proceedings as directed for the location of the road: *Provided however*, that in the selection and appropriation of land under this section the said President, Directors and Company shall not include the dwelling house, out houses, or gardens, of any persons, without their consent; and shall not so locate the said land, so as to prevent the owner or owners of the adjacent lands from access to said road, on either side of any gate, to which they would have had access if such location had not been made.

President and
Directors to pur-
chase site for
toll gate.

SEC. 39. *Be it further enacted*, That nothing in this act contained, shall be so construed as to impose toll fees upon the owners of lands through which the said road shall pass, their horses, cattle, or servants, passing on said road from one part of their farm to another; or to impose toll fees upon venire men and grand jurors, passing to and from the court to which they are summoned; or persons passing to or from any funeral, or with any funeral procession; nor shall any tolls be imposed upon citizens of the county while going to and returning from the general elec-

Certain per-
to be exempt
from paying toll

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tions in said county, nor upon militia or days of muster, or attending courts of assessment in pursuance of their duty; nor upon persons going to or returning from public worship on the Sabbath; but all such persons shall, with their horses and vehicles, pass free of toll.

President and Directors to fix the rate of toll of families.

SEC. 40. The President and Directors shall have power to reduce the rates of toll, as provided for in this act, in all cases of persons or families who have frequent occasion to pass through one or more of the gates, such as to a neighboring town; and, instead thereof, may charge a reasonable annual toll or compensation for such persons and their families who may be thus allowed to pass whenever they think proper. The Treasurer shall keep an account of all persons making these annual contracts, and inform the gate keepers thereof, and furnish them with a list of the names of those persons who may avail themselves of the advantages herein allowed.

How charter to be forfeited.

SEC. 41. *Be it further enacted*, That if the construction of the road, provided for by this act, shall not be commenced within three years from the passage hereof, the rights, privileges, and immunities hereby granted, shall be void to all intents and purposes.

Road may be extended, &c.

SEC. 42. The said corporation may extend their road to the opposite side of Eagle creek from Carroll county, if they shall think proper to do so, by the erection of a substantial bridge for that purpose, in which event they shall have the right to charge additional toll for passing over said bridge, equal to one third of the toll allowed for passing a single gate on said road; and the site and materials for constructing said bridge shall be condemned and appraised in the same manner as hereinbefore provided for the condemnation and appraisal of the site, materials, &c., for the road; and the right to charge tolls, and collect the same, and the penalties and forfeitures in case of non-payment thereof, to be subject to the same limitations and restrictions.

Persons may subscribe stock to be applied to construction of bridge across Eagle creek.

SEC. 43. Any person or persons may subscribe stock, to be exclusively appropriated to the construction of the bridge across Eagle creek. And it shall be the duty of the commissioners aforesaid, and of the President and Directors, at the request of any person subscribing stock, to cause it to be noted on the books, that such stock is to be appropriated to the construction of the bridge. It shall, also, be the duty of the President and Directors to keep a separate account of the expenditures for the construction of the bridge, and of its management and control thereafter, and to appropriate any dividends arising from the tolls, after deducting the necessary expenses, to the persons and corporations who may have taken the stock according to the several sums taken and paid in. The President and Directors may appropriate such portion as they may deem proper, of

the stock paid, for the construction of the road, to the construction of the bridge.

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Sec. 44. The President and Directors of any Turnpike Road Company, now, or hereafter to be incorporated, whose road may intersect the Carrolton and Eagle Creek Road, or which may intersect Eagle creek on the Owen side thereof, opposite the bridge, may subscribe for stock, and the Carrolton and Eagle Creek Company shall cause it to be appropriated to the construction of the bridge. And any company, so subscribing stock and paying it in according to the regulations of the corporation, shall have the power to appoint an agent to vote in all matters touching the construction of the bridge: *Provided*, the number of votes, to be cast by such company, shall be based on the stock so taken and paid in, and shall be in proportion to the whole amount of stock subscribed and paid.

Certain turnpike companies may subscribe stock to be applied in building bridge across Eagle creek.

Sec. 45. *Be it further enacted*, That the President, Directors and Company of the Ghent and Eagle Creek Turnpike Road Company, are hereby authorized and empowered to increase, at their discretion, the capital stock of said company, so as to enable them to construct a bridge across Eagle Creek.

Capital stock of Ghent and Eagle creek turnpike may be increased.

Sec. 46. Any person or persons may subscribe stock to be exclusively appropriated to the construction of said bridge, and it shall be the duty of the Commissioners named in the act incorporating the Ghent and Eagle Creek Turnpike Road Company, and of the President and Directors, at the request of any person subscribing stock, to cause it to be noted on the books that such stock is to be appropriated to the construction of the bridge aforesaid. It shall, also, be the duty of the President and Directors to keep a separate account of the expenditures, in the construction of the bridge, and of its management and control thereafter, and to appropriate any dividends arising from the tolls, after deducting the necessary expenses, to the persons or corporations who may have taken the stock, according to the several sums taken and paid in. The President and Directors may appropriate such portion of the stock, as they may deem proper, subscribed for the construction of the road, to the erection of the bridge.

Persons may subscribe stock to be appropriated exclusively to the construction of said bridge.

Sec. 47. The President and Directors of any Turnpike Road Company, now or hereafter to be incorporated, whose road may intersect the Ghent and Eagle Creek Turnpike Road, or which may unite with the same on the Owen side thereof opposite the bridge, may subscribe for stock, and the Ghent and Eagle Creek Company shall cause it to be appropriated to the construction of the bridge. And any company or corporation, so subscribing stock and paying it in according to the regulations of the corporation, shall have the power to appoint an agent to vote in all matters touching the construction of the bridge: *Provided*, the

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number of votes, to be cast by such company, shall be based on the amount of stock so taken and paid in, and shall be in proportion to the whole amount of stock subscribed and paid.

SEC. 48. The President, Directors, and Company, shall be and are hereby authorized to exact toll for passage over the bridge, at the rates authorized to be exacted for five miles travel on the road.

Company in
incorporated, and
purpose, &c.

SEC. 49. *Be it further enacted*, That a company shall be and is hereby formed, and created a body politic and corporate, for the purpose of constructing a turnpike or plank road, beginning at some suitable point within the limits of the town of Hamilton, running thence in the direction prescribed in the first section of the act of which is an amendment, to be known by the name and style of the Hamilton and New Lancaster Turnpike or Plank Road Company.

Capital stock.

SEC. 50. The capital stock of stock of said company shall be thirty thousand dollars, (provided that it may not be ascertained that a less sum will be sufficient to complete the road,) to be divided into shares of twenty five dollars each; subscriptions, towards constituting stock in said company, shall be opened at the places designated in the second section of the act of which this is an amendment, on the first Saturday in March, 1850, or as soon thereafter as may be convenient, and continue open at the discretion of the commissioners hereinafter named.

Com'rs to re-
ceive subscrip-
tions of stock.

SEC. 51. That the following persons be and are hereby appointed commissioners to receive subscriptions of stock in said company: at Hamilton, John J. Miller, Thomas P. Johnson, M. M. McManama, M. M. Black, and W. W. Garnett; at Mud Lick Meeting House, B. F. Bedinger, Joseph C. Hughes, Jacob Click, James Rice, and Lee Norvell.

Meeting to be
called, &c.

SEC. 52. That so soon as two hundred shares are subscribed, and taken, by persons residing on or near either end of the road, it shall be the duty of said commissioners, or such of them as may act, to give notice of a meeting of the stockholders, in the town of Hamilton, for the purpose of choosing officers, by advertisement fifteen days previous thereto, in one or more newspapers having the most general circulation in the vicinity, and by a written notice to be set up at Hamilton, and at Mud Lick Meeting House; and the voters, in choosing officers, shall be regulated by the number of shares, allowing one vote for each share.

Note to be
made on which
end of road sub-
scription to be
applied.

SEC. 53. It shall be the duty of the commissioners herein named, at the time stock is taken and subscribed for, to note in their book or books, on which end of said road the person or corporation, so subscribing, wishes the sum to be appropriated, and when the whole amount required to be taken on either end shall have been taken and subscribed for, it shall be the duty of said commissioners so to appropriate it.

Sec. 54. That so soon as four continuous miles of said road, at either end, shall have been completed, it shall and may be lawful to erect one gate, and that the same rates of toll shall be charged as are permitted to be charged by the Paris, Winchester, and Kentucky River Turnpike Road Company.

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When toll gate may be erected.

Sec. 55. That all acts, or parts of acts, coming within the purview of this act, be and the same are hereby repealed.

Sec. 56. *Be it further enacted,* That the County Court of Boone, at their April term, 1850, shall divide the county into not less than thirty nor more than forty suitable road districts, to be known and designated by their number, and appoint a Surveyor of each district, who shall serve for one year, and until his successor shall be appointed; and each Surveyor, before he enters upon the discharge of the duties of his office, shall take, before some Justice of the Peace, the following oath, to-wit: "You do solemnly swear, (or affirm,) that you will faithfully discharge the duties of Surveyor of the road according to law, and to the best of your abilities." If the said County Court shall, from any cause, fail to divide the county into districts, as aforesaid, at the April term aforesaid, it shall be the duty of the Circuit Court, on the application of any person for that purpose, to issue a *mandamus* to the said County Court, requiring them to comply with the foregoing provisions at any subsequent term of said Court of their county, and to enforce the same by the necessary and proper process.

Boone County to be laid off into road districts

Surveyor to be appointed, his duties, &c.

Circuit Court to issue a *mandamus* on City Court failing to divide county.

Sec. 57. When the districts are laid off, the Clerk of said County Court shall, within twenty days, deliver to the Commissioners of revenue a copy of the order of Court defining the several district boundaries. The Court may, from time to time, lessen or increase the number of road districts, and change their bounds; and when any alteration is made, the Clerk shall furnish the Commissioners of revenue with a copy of such order previous to their beginning to assess, and the citizens residing in each district shall be subject to a road tax of three cents on each one hundred dollars worth of property, and a poll tax of one dollar and fifty cents on each white male over the age of sixteen and under fifty years of age, and all male slaves over sixteen years of age.

When districts are laid off, Clerk to deliver list to Com'rs of revenue.

Districts may be lessened or increased.

Sec. 58. The Commissioners of the revenue, for the same county, shall, in a book to be provided for that purpose by the County Court, assess all the property now listed for taxation by law, (except such as is subject to specific taxation,) together with the white males over sixteen and under fifty years of age, and all male slaves over sixteen years of age, in each road district separately; and he shall value the said property, as is done for revenue, and shall set down the value of the same and the number of tythes

Duties Com'rs revenue.

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C'ty Court
may correct im-
proper assess-
ments.

subject, by this act, to work on roads; which book, when the assessment is completed, shall be returned to the Clerk of the County Court, whose duty it shall be, within twenty days, to copy each district assessment, specifying the amount of tax due from each person, and deliver the same to the Sheriff, who shall deliver the same to the Surveyor of each district within twenty days: *Provided*, that the County Court shall have power to correct all improper assessments, upon satisfactory proof thereof; and they may receive proof that the Commissioners of the revenue have omitted to assess persons or property, and upon the fact being established, they shall cause the same to be entered of record, setting forth the value of the property, and the number of persons, and the amount of taxes due thereon, a copy of which order shall be furnished to the proper Surveyor by the Clerk and Sheriff as above provided.

Duty of Sur-
veyor, &c.

Surveyor to
give notice to
persons liable
to work on road

Penalty for
failing to work
on road when
notified.

Sec. 59. It shall be the duty of the Surveyors to superintend the opening, repairing, and keeping in repairs, the public road or roads in their respective districts, under the order and direction of the County Court; and they are authorized and empowered to receive and give receipts for the taxes of the persons assessed and liable therefor; and the parents and guardians of minors, and the owners or persons having the immediate right to the services of the slave or slaves, tytheable, shall be liable for the taxes assessed against them. The Surveyor shall, in person or by written notice, inform the person liable to work as aforesaid, by giving them three days notice of the time and place when and where they shall attend—if by a written notice, it shall be deemed lawful, by leaving it at their usual place of residence. Any person whose duty it is to perform labor on a road shall, when required by his Surveyor, furnish such team or teams, or working utensils, as the Surveyor may require, provided he owns the same; and for failing or refusing to do so, shall forfeit a sum not exceeding three dollars, recoverable by the Surveyor, in the name of the Commonwealth, before a Justice of the Peace. The Surveyor shall not allow more than two dollars per day for a team, ploughman, and plough; and for a wagon, team, and driver, not more than three dollars per day. All who choose may, by themselves or an able bodied substitute, work out the amount of their tax, at the rate of seventy five cents for every eight hours of work actually performed. If, after having been notified, the person liable to taxes shall not attend, and labor, as required by this act, under the direction of the Surveyor, it shall be the duty of the Surveyor to make out and deliver to some Constable of the county, within sixty days, taking a receipt therefor, a full and complete delinquent list of all such persons as shall not have attended and labored according to this act; and it shall be the duty of the Constable, in the name of the Justices of the County Court

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of Boone, to bring suit against such delinquents; and, upon the trial of the cause, it shall be the duty of the Justice, before whom such case may be tried, upon proof of notice to such persons, as before required, to render judgment against them for the amount of the road tax assessed upon them, and the costs of the suit; upon which judgment, execution shall issue, and the Constable shall proceed to collect the same, if collectable; and when collected, shall pay the same to the Surveyor; and should the Constable not be able to collect the same, it shall be his duty to make out a delinquent list of all such claims as may come into his hands, and return the same to the County Court, at the April term thereof in each year, for their examination; and the same shall be filed by the Clerk among the papers of his office. The Constable and his securities shall be liable for the collection of the said list of claims, upon his official bond, as in like cases of official delinquency.

SEC. 60. The occupants of lands, subject to taxes, shall be liable for, and pay the taxes due on the lands, to the extent of his or her indebtedness, to the owner or owners of the land, provided he or she has notice of the tax, before he or she shall pay the landlord, and such payment of the tax shall be obligatory on the owner or owners of the land; and in case there is no occupant of the land, the agent shall be responsible for the tax, if he shall, at any time after notice of the assessment thereof, have had funds to the amount assessed in his hands.

Persons owning lands by which road passes, to pay tax.

SEC. 61. The Surveyor of each district shall make out a fair statement, verified by oath, of the receipts and disbursements of the road tax, and report the same to the County Court at their April term in each year; he shall keep the roads in his district in good order and repair; and, besides the special powers and duties hereby given and prescribed to him, he shall have the powers, and perform the duties, of a Surveyor of the roads given and required by the general road laws of this Commonwealth; and for a failure to keep the same in repair, or to perform the duties imposed upon him by law, he shall be liable to a fine by the Circuit Court, upon the presentment of the grand jury, of not less than five nor more than twenty dollars, to be collected as other fines imposed by the Circuit Court are; and the fines, when collected, shall be added to the district fund, in which it is collected, for road purposes.

Surveyor to make out statement of receipts and disbursements of tax.

Further duties of Surveyor.

SEC. 62. The County Court shall allow their Clerk, Sheriff, and Commissioner, a reasonable compensation for the services hereby required. The Surveyor, in appointment, shall be entitled to a credit of seventy five cents for each day's attendance he shall give to the notifying of the hands and working on the roads; but the sum allowed him shall in no one year exceed twelve dollars; and he shall, during his continuance in office, be exempt from serving on all ju-

County Court may allow Sheriff, &c., compensation.

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Road tythables
may be called
upon to work
on roads, &c.

Surveyor may
purchase, &c.

Surveyor to
superintend the
working of the
road.

Timber, &c.,
may be taken for
the erection of
bridges.

Conflicting
laws repealed.

Prestonsville
and Henry c'ty
turnpike com-
pany incorpora-
ted.

Capital stock.

ries. He shall have full power to expend the amount of the taxes assessed on the roads in his district.

SEC. 63. If, after expending the road tax as herein before specified, the road shall be in bad condition, the Surveyor shall have power, and it shall be his duty, to call on the road tythables to perform not exceeding two days work in any one year over and above the tax provided for by this act.

SEC. 64. The Surveyor of each district is authorized and empowered to purchase and pay for, out of the road taxes, ploughs, scrapers, and other necessary tools and utensils, for the use of the roads of which he is Surveyor, which he shall deliver over to his successor; and he is also authorized to hire teams and wagons to assist in working on the roads.

SEC. 65. It shall be the duty of the Surveyor to attend in person, and overlook the working hands, and a penalty of fifteen cents is hereby imposed upon each hand for every hour which he shall idle away when attending to work on the road, to be recoverable by the Surveyor before a Justice of the Peace.

SEC. 66. When bridges or causeways shall be necessary, the Surveyor of each district may cut, and take from the lands of any person or persons adjoining, necessary timber, earth, and stone, for making and keeping the same in repair, the same having been first viewed and valued by two disinterested house-keepers, appointed and sworn by the Surveyor for the purpose, which oath shall be, in substance, as follows: "You do solemnly swear, or affirm, that you will well and truly value the timber, earth, and stone, shown to you by the Surveyor, for road purposes;" and the Surveyor shall pay the amount to the owner of the land.

SEC. 67. All ordained Ministers of the Gospel shall be exempt from the individual poll tax for road purposes in Boone county.

SEC. 68. All laws now in force in the county of Boone, inconsistent with the provisions of this act, be and are hereby repealed: *Provided however*, that the general road laws of this Commonwealth shall continue in force in said county until the first day of January, 1851; at which time this act shall be in full force and virtue.

SEC. 69. *Be it further enacted*, That a company shall be formed under the name, style, and title of the Prestonsville and Henry County Turnpike Road Company, for the purpose of forming and making an artificial road from Prestonsville, at the mouth of the big Kentucky river, to New Castle, in Henry county.

SEC. 70. That the capital stock shall be thirty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the

President and Directors may enlarge it to such amount as they may deem necessary, and open books for subscription in such manner as they may think proper.

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SEC. 71. That books for the subscription of stock shall be opened on the first Monday in March next, or so soon thereafter as convenient, in the county of Carroll and Henry, under the direction of N. D. Smith, William Root, Samuel Rosengarten, Thomas Dugan, George W. Brown, E. E. Lindsey, George T. Campbell, James Sandefer, George Ringo, John Roberts, Peter Foree, David Piles, Charles May, George Wyatte, Peter B. Foree, or any two of them.

Books to be opened, &c.

SEC. 72. That so soon as ten thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall proceed to call a meeting of the subscribers for stock, and such other proceeding shall thereon be had, in accordance with the provisions of the charter of incorporation of the Carrolton and Eagle Creek Company, so far as the same may be applicable, and the said company shall, in every other respect, conform to and be governed by the provisions of the act incorporating the Carrolton and Eagle Creek Company, so far as its provisions may be applicable, and not inconsistent with this act.

When meeting to be called, &c.

SEC. 73. That the President and Directors may present their petition to the Henry County Court, setting forth the lands or materials wanted for the construction of that part of the road passing through Henry county, in the same manner as the President and Directors of the Carrolton and Eagle Creek Turnpike Road Company are authorized to present their petition to the Carroll County Court, and, thereupon, the same proceedings shall be had in the Henry County Court, and in Henry county, as are authorized and directed by the Carrolton and Eagle Creek charter in Carroll county.

How land, &c., may be procured.

SEC. 74. That no toll gate shall be erected in less than one mile of Prestonsville, or any other town.

Approved March 7, 1850.

CHAPTER 603.

AN ACT to incorporate the Paducah, Fire, Life, and Marine Insurance Company, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Enders, William Smedley, William F. Norton, John W. Crockett, Gustavus A. Given, and James Campbell, of Paducah, together with those who may hereafter become stockholders, as hereinafter denoted, are hereby created a corporation and body politic, by the name and style of the President and Directors of the Paducah Fire, Life, and Marine Insurance Company, and shall continue until the first day of January, 1870;

Corporators' names.

Name & style, powers, &c.

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and by that name are hereby made capable and able, in law, to have, purchase, reserve, possess, and enjoy, and retain to them and their successors, lands, tenements, rents, goods, chattels, and effects, to an amount not exceeding, in the whole, one hundred and fifty thousand dollars, and the same to sell, convey, and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places in this Commonwealth, or elsewhere; may make and use a common seal, and the same to break, alter, or renew at pleasure; to ordain, establish, and put in execution, such by laws, ordinances, and regulations, as shall be deemed necessary and convenient for the government of said corporation, not contrary to law; and, generally, to do all acts and things that a corporation may lawfully do.

Books to be
opened for sub-
scription of
stock, &c.

SEC. 2. That the persons named in the first section, or a majority of them, shall open books of subscription for the stock in said company; which shall consist of three thousand shares of fifty dollars each, payable in gold or silver coin or the bills or notes of the solvent banks of Kentucky; and, at the time of subscribing, shall have the right to demand of each subscriber and receive five dollars on each share, and to have the residue secured to the satisfaction of said corporation, either by mortgage of real estate or good personal security, renewable at such times and in such manner as said corporation may, by its ordinances and regulations, prescribe, and to be paid as calls shall be made on the stockholders or subscribers; and said corporation shall have power to have notes for stock renewed, in whole or in part, so as at all times to secure the prompt payment of the same for the benefit of said corporation; and it shall be the duty of the President and Directors to give at least thirty days' notice of any call they may make; and if any stockholder shall fail to meet such call, or to secure the payment of his stock, or any part of the same, as aforesaid, it shall be lawful for the President and Directors to sell such delinquent shares, and transfer the same to the purchaser, or declare them forfeited to the company, together with all previous payments thereon.—No transfer of stock shall be deemed valid and complete so long as the person transferring the same shall be indebted to the said company, until the amount for which such stockholder is indebted to the said company is secured to the satisfaction of said President and Directors; and the stock of every stockholder shall be held as collateral security for the payment of whatever sum such stockholder may be indebted to said company by notes for stock or otherwise.

Annual elec-
tion of President
and Directors,
&c.

SEC. 3. That the shareholders shall meet at the place of opening books for the subscription of stock in said company, on the first Monday in April or May, 1850, and at the office of the company on the first Monday in May in each

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successive year, and elect a President and five Directors, who shall continue in office until the first Monday in May in each ensuing year, and until their successors shall be elected; of which elections previous notice shall be given, by three successive weekly publications, in the paper or papers published in Paducah. Any vacancy that may occur, from any cause, in the Board, shall be filled by the President and Directors, or a majority of them, for the residue of the year; and no person shall be President or Director who is not the owner of at least ten shares of stock.

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Sec. 4. That in all elections by the stockholders, each share, to the number of ten, shall be entitled to one vote, and every five shares in addition shall entitle the holder to one additional vote; but no person who is not a resident of this State shall have the right to vote; and no shareholder shall be entitled to vote at any election for President and Directors unless he shall have been the holder or owner of the stock three months prior to such election, by regular transfer upon the books of the company, and shares may be voted upon by the executor or administrator of the deceased owner, or by proxy.

Ratio of representation of stock, &c.

Sec. 5. That the President and Directors, for the time being, shall have power to appoint such officers and agents under them, and at such places, as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the faithful discharge of their respective duties and trusts; and the said President and Directors shall have power to make by-laws and ordinances to govern the corporation, and may repeal, alter, or amend them. The President and three Directors shall constitute a quorum to do business, or four Directors without the President, one of whom shall be President *pro tem*.

President and Directors may appoint officers.

Sec. 6. That the President and Directors, for the time being, shall have power and authority in the name of the company to make insurance, at such rate of premium or interest as may be agreed upon by the parties, upon buildings, furniture, machinery, goods, wares, and merchandise of every description, against fire in town or country, and also insure and make all necessary rules about the same on every description of property transported by land or water in the United States; and likewise to make insurance on lives by sea, or water, or on shore, and to contract for, grant and sell annuities; and to make all kinds of contracts in which the casualties of life or property are involved; and in every such contract, bargain, agreement, or policy, to be made by said corporation, shall be in writing or print, and shall be signed by the Secretary or Clerk, or any agent who may be appointed by the President and Directors for that purpose.

General powers and duties of President and Directors.

Sec. 7. It shall be the duty of the President and Direc-

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Dividends to
be declared, &c.

tors, on the first Mondays of May and November in each and every year, to make a dividend of so much of the profits of said corporation as to them, or a majority of them, shall appear advisable, and in any case of loss or losses, whereby the capital stock of the corporation shall be lessened or impaired, no subsequent dividends shall be made until a sum equal to such diminution, and arising from the profits of said corporation, shall have been added to the capital.

Shall not en-
gage in banking,
&c.

SEC. 8. The said corporation shall not issue notes or bills of credit, nor in any manner engage in the business of banking, otherwise than in the purchase and sale of bills of exchange; nor shall said corporation commence business or grant any policies of insurance until an amount equal to five hundred shares is subscribed and paid for. So much of the capital stock as may not be permanently invested may, at the discretion of the President and Directors, be loaned on promissory notes at a discount not exceeding that authorized to be made by the Banks incorporated by this State, and at no greater rate of interest or discount, without being held usurious under the laws of this Commonwealth.

Bonuses to be
paid within 60
days.

SEC. 9. That whenever said corporation shall be notified of any loss sustained, or incurred, on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount, so lost or insured on such policy, within sixty days after being so notified as aforesaid: *Provided*, there shall have been no violation of the condition of the policy on the part of the insured.

Shall keep re-
cord of proceed-
ings.

SEC. 10. Said corporation, by its proper officers, shall, at all times, keep a record of its by-laws and proceedings of every kind in which it may be authorized to engage under this charter, which shall, at all times, be open to the inspection of any person or persons interested.

SEC. 11. The Legislature hereby reserves the right to modify or repeal this charter when deemed expedient.

Charter Ky.
Ins. Co. amend-
ed.

SEC. 12. That an act to charter "the Kentucky Insurance Company," approved February 24, 1849, be amended in the third section, so as to give the corporators two years, from and after the passage of this act, to put the same into operation, by opening books and otherwise, as provided in said third section.

SEC. 13. And the fourth section is so amended as to read "two hundred" whenever the words "one hundred" appears.

Approved March 7, 1850.

CHAPTER 506.

AN ACT to incorporate the Frankfort (Kentucky) Insurance Company.

Corporators'
names.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John H. Hanna, William Far-

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ner, Philip Swigert, Jacob Swigert, O. G. Cates, Wm. D. Reed, James Harlan, Hugh B. Farrar, Edmund H. Taylor, and Richard Knott, and the subscribers to the stock of the association, and their successors, be and they are hereby declared to be a body politic and corporate, by the name and style of the Frankfort (Kentucky) Insurance Company; and by that name and style they shall have perpetual succession, and be capable, in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, or elsewhere; with power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell and convey, and dispose of, all such real estate, as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debt which may become due and owing to the same, or in satisfaction of a judgment of any court of law, or any order or decree of a court of equity in their favor, and to make and use a common seal, and the same to alter, renew, or break, at their pleasure; and, generally, to do and perform all things relating to the objects of this institution, which now is, or shall be lawful for any individual or body politic or corporate to do.

Name & style,
powers.

Sec. 2. That the capital stock of this company shall be two hundred and fifty thousand dollars; and the stock subscriptions shall be subject to the call of the board of Directors, (hereafter to be provided for,) at such time, and in such manner, as the said board shall direct; and the same shall be secured by endorsed notes payable on demand, hypothecated stocks other than that of the company, or other property to be approved by the President and Directors, for the time being. The said securities shall be renewed whenever the Directors may think it proper; and any stockholder neglecting or refusing to renew his security, when required by an order of the board, shall forfeit all his interest in the company, and be held liable for his proportion of any loss which may have occurred previous to such neglect or refusal.

Capital stock.

Sec. 3. That should any forfeiture occur, it may be remitted by a majority of the whole board, upon the payment of all arrearages of principal and interest then due, upon the instalments which have, up to the time of such remission, been called for by the board; and, also, by the payment of the due proportion of losses which may have attached to the interest of such defaulting stockholder up to the time, and upon compliance with such other terms as the Directory may see proper to impose.

Forfeiture may
be remitted.

Sec. 4. That the stock shall be divided into shares of fifty dollars each; and so soon as four hundred shares are subscribed for and paid in, or secured to be paid, the company shall be competent to transact all kinds of business for which it was established.

Share of stock.

1850.

Books to be
opened, when,
how, &c.

Sec. 5. That books for subscription of stock shall be opened under the supervision, and in charge of the persons named in the first section of this act, or such of them as shall see proper to assume the responsibility thereof, at such time and place, or times and places, as they may think fit; and they shall deliver the books and money over to the first Board of Directors, as soon as they shall be elected; and the said persons, or a majority of them, may and shall superintend the election of the said board; and the said board, or their successors, may, at any time after the subscription of the four hundred shares aforesaid, re-open the books for additional subscriptions, should the advancement of the company, in their judgment, so require it; and should the stock of said company not be subscribed and the company organized at the first attempt, or attempt thereat, then the said books may be re-opened at any other time and place, or times and places, which any three of the said persons may desire.

Sec. 6. Transfers of stock may be made under such rules and regulations, and upon such terms and conditions, as the board may authorize by the by-laws of the company.

Stockholders
to be entitled to
10 per cent. dis-
count on premi-
ums.

Sec. 7. That every person who shall subscribe as much as three shares to the stock of this company, shall be entitled to a discount of ten per cent. on the rate of premium paid by other persons, who shall not have subscribed.

President and
Directors, &c.

Sec. 8. That the affairs of this company shall be managed by a President and six Directors, to be elected by the stockholders, on notice given, of ten days, in an authorized newspaper, and each stockholder shall be entitled to one vote in said election for every share of stock he may own. The President and Directors, for the purpose of organizing the company, shall be elected at such time and place as the persons named in the first section shall appoint, and annually thereafter. But after the first election, the President shall be chosen by a majority of the Directors; and in case of the death or resignation or disqualification of a Director otherwise, the vacancy shall be filled up by a majority of the existing directory.

Corporate
powers & privi-
leges, &c.

Sec. 9. That the corporation herein and hereby created shall have full power, and lawful authority, to insure all kinds of property against loss or damage by fire; and said company may make all kinds of insurance on vessels, crafts, or boats of any description, on the interior rivers, lakes, bayous, or canals, in the United States, and to make all kinds of insurances on life, or lives; to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and, generally, to do and perform all other necessary matters and things connected with and proper to promote these objects.

Sec. 10. That it shall and may be lawful for said company to invest any part of their capital stock, moneys,

funds, or other property, in any public stock, funded or other debt, created or to be created, by or under any law or laws of the United States, or of this or any other State, or of any individual whatever, or in the stock of the banks of the State of Kentucky, or the bank or banks of any other State belonging to the United States; and the same to sell or transfer at pleasure, and again to invest the same or any part thereof, whenever the welfare of the corporation, in the opinion of the Directors, may require; or they may loan the same to individuals or corporations, on real or personal security, for such period of time, and under such restrictions and limitations, as the Directors, for the time being, may require.

1850.
May invest
funds in stocks,
&c.

Sec. 11. That the President and Directors shall have power, and it is hereby made their duty, to make and declare such dividends, resulting from the profits of the business of the company, as shall not impair the capital stock of the company: *Provided*, that no such dividend shall be made, but shall pass to the credit of unpaid balances due on the stock of the various members of the association, until the sum of one hundred thousand dollars shall have been paid in—after which, the profits arising from the business may, at the option of the Directors, be divided among the stockholders in proportion to their respective interests.

Dividends to
be declared and
paid.

Sec. 12. That in all cases of loss, where the assured shall claim that he hath become entitled to the amount of risk, undertaken by the company, the claim or claims of the assured shall be determined by the Board of Directors, subject, however, to the terms and conditions of the risk, as set forth in the policy, and the general laws relating to insurance, as the same exist and are recognized in Kentucky.

Losses, how
to be determin-
ed, &c.

Sec. 13. That no stockholder shall be answerable, in his person or individual property, for any contract or agreement of said company, or for any losses, deficiencies, or failures, of the capital stock of this company; but the whole of said capital stock, together with all property, rights, and credits belonging thereto, and nothing more, shall, at all times, be answerable for all lawful demands against said company.

Sec. 14. That should it happen, from any cause whatever, that the annual election of Directors should not take place, at the times hereinbefore designated, the corporation shall not, for that reason, be dissolved; but such election may be held at some other time and place within the town of Frankfort, as the Directors may appoint, upon due notice, of ten days, in an authorized newspaper.

Failure of an-
nual elections
shall not dis-
solve company.

Sec. 15. That all policies of insurance which may be made, or entered into, shall be subscribed by the President, or President *pro tem.*, and attested by the Secretary; and, being so signed or attested, shall be binding on the corpo-

Policies to be
signed by Presi-
dent and Sec'y.

1850.

ration, according to the terms of the contract, with or without the corporate seal.

SEC. 16. That the President and Directors shall have the power to appoint a Secretary, and such other assistant officers as may be deemed best for the good of the company; constituting agencies whenever and wherever, in their discretion, they may deem it judicious to constitute them. They may ordain and establish such by-laws, ordinances, and regulations, as shall appear to them necessary for conducting the affairs of the company, not being contrary to, or inconsistent with this act, the constitution and laws of this State, or of the United States.

Co. records of
proceedings &c.

SEC. 17. They shall keep full, fair, and correct entries of all their transactions of what kind soever, which shall, at all times, be open to the inspection of the stockholders.

Approved March 7, 1850.

CHAPTER 507.

AN ACT for the benefit of Charles R. McGill.

Whereas, it is represented that Charles R. McGill was duly appointed committee of John F. McGill, a lunatic, and that said Charles R. McGill has expended for the said John F. McGill fifty three dollars and thirty eight cents more than came to his hands from the estate of said lunatic. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to issue his warrant on the Treasurer, in favor of Charles R. McGill, for the sum of fifty three dollars and thirty eight cents.

Approved March 7, 1850.

CHAPTER 509.

AN ACT to revive an act, entitled, an act to incorporate the Stanford and Lancaster Turnpike Road Company, and to amend said act.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to incorporate the Stanford and Lancaster Turnpike Road Company, approved February 29th, 1836, be and the same is hereby revived and continued in its operation until the first day of January, 1856.

SEC. 2. That instead of the Commissioners named in said act, the following persons are hereby appointed to perform the duties required by said act, to-wit: Abner Baker, John Hart, William Bruce, William H. Kinnaird, and Horatio Wilson, of Garrard county, and A. T. Leavel, William F. Perrin, T. B. Montgomery, Thos. W. Varnon, and Harvey Helm, of Lincoln county.

Sec. 3. That whenever the sum of five thousand dollars is subscribed in the capital stock of said company, the Commissioners of said road may call a meeting of the stockholders, and organize said company according to the provisions of the original charter.

1850.

Sec. 4. That instead of making the publications in the newspaper required by said act, all publications shall be made in the Garrard Banner, a newspaper printed in Lancaster, Kentucky.

Sec. 5. That the County Courts of Garrard and Lincoln counties, and the Trustees of the town of Lancaster, may, for their respective counties and towns, take and subscribe stock in said road company; and the said County Courts and Trustees of the towns aforesaid, may, and they are hereby authorized and empowered, respectively, to assess the amounts of the stock which they may so subscribe upon all property and estate subject to the payment of State revenue within their respective limits: *Provided*, that any property or estate within either of said towns, so subjected to be taxed by the Trustees of said town, shall be exempt from assessment to pay the subscription by the County Court.

Sec. 6. That said road may be paved with rock, gravel, or plank, at the discretion of the President and Managers, in part or in whole, as they may deem expedient.

Approved March 7, 1850.

CHAPTER 512.

AN ACT for the benefit of the Sheriffs of Casey and Owen counties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Richard L. Smith, Sheriff of Casey county, be and he is hereby allowed until the second Monday in February next to make out and return his delinquent list for the year 1849.

Sheriff of Casey.

Sec. 2. That the Sheriff of Owen county be allowed until the first day of April next to return his delinquent list of revenue for the year 1849, which shall be as effectual as if returned as now required by law; and the Second Auditor is hereby authorized to issue his warrant on the Treasurer for any amount that may be due said Sheriff upon a final settlement.

Sheriff Owen.

Approved March 7, 1850.

CHAPTER 513.

AN ACT to amend the charter of the Bath Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter of the Bath Seminary, in the

1850.

town of Owingsville, be so amended as to increase the capital stock of said Seminary from three to five thousand dollars, and that the said increase of stock be disposed of as provided for in the incorporation of said Seminary.

Approved March 7, 1850.

CHAPTER 515.

AN ACT to repeal an act, approved February 20, 1846, authorizing the sale of the Reformed Baptist Church of Slate Run.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, approved February 20, 1846, authorizing the sale of the Reformed Baptist Church of Slate Run, in Bath county, be and the same is hereby repealed.

Approved March 7, 1850.

CHAPTER 517.

AN ACT for the benefit of William Smith, of Laurel county.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Wm. Smith, of Laurel county, as overseer of the Wilderness turnpike road in the counties of Knox and Laurel, believes he sustained a loss of about two hundred dollars, by mistake, in settling his accounts with the Commissioners and Gate Keeper of said road. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Jackson, of Laurel county, and James Hays and Abram Hunter, of Knox county, be and they are hereby appointed Commissioners, whose duty it shall be to meet the said Smith at some convenient time and place, by them designated, and examine, adjust, and settle the accounts of the said Smith, as overseer, as well as the accounts and vouchers of the Commissioners and Gate Keeper of said road. And whatever sum, (if any,) may be found due said Smith, on such settlement, not exceeding two hundred dollars, shall be allowed said Smith by the Gate Keeper of said road, in Knox county, out of any money in his hands belonging to said road, and not otherwise ordered to be paid previous to the date of said settlement. And an order drawn by the Commissioners herein named, on said Gate Keeper in Knox county, in favor of said Smith, shall entitle him to receive the amount of the same from said Gate Keeper, according to the provisions of this act.

Approved March 7, 1850.

LAWS OF KENTUCKY.

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CHAPTER 519.

1850.

AN ACT for the benefit of the Clerk of the Garrard Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bond executed by Alexander R. McKee, Clerk of the Garrard Circuit Court, and acknowledged by said Clerk, and his sureties, at the February special chancery term of said Court in the year 1850, shall be as good and valid, in law, as if executed at a regular term of said Court; and that all the proceedings relative to the reception and acknowledgment of said bond, as aforesaid, be and the same are hereby legalized.

Approved March 7, 1850.

CHAPTER 520.

AN ACT for the benefit of the devisees of Alfred Payne, deceased, late Surveyor of Allen county.

Whereas, Alfred Payne, Surveyor of Allen county, has recently departed this life, and, upon an examination of his official papers, it appears there is a large number of entries and surveys made but not recorded. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present Surveyor of Allen county be and he is hereby authorized and directed to record said entries and surveys, where warrants have been, or may hereafter be, procured by the administrator for said entries and surveys; and the Register of the Land Office is hereby directed to receive such entries, surveys, and warrants, and issue patents thereon according to the laws now in force, as though the same had been regularly recorded according to law: *Provided, however,* such patents shall not interfere with any prior legal claim to the land for which they may be issued.

Approved March 7, 1850.

CHAPTER 521.

AN ACT to incorporate the Elizabethtown Savings Institution, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be and is hereby created and established, in Elizabethtown, an Institution to be styled and known as the Savings Institution of Elizabethtown; and by that name shall be a body politic and corporate; may sue and be sued, contract and be contracted with, and have and use a common seal, and renew and alter the same at pleasure; purchase, hold, sell and convey all such real and personal estate as shall be necessary and requisite for its legitimate purposes, and no other: *Provided,*

Name & style
powers, &c.

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said corporation may receive conveyance of such property as may be found necessary in securing any debt due it, or which may be sold under execution or decree in its favor.

Capital stock. SEC. 2. The capital stock in said Institution shall be fifty thousand dollars, which may be increased to one hundred thousand dollars, independent of the stock deposit, divided into shares of fifty dollars each; and with a view to receive subscriptions of stock, Geo. L. Miles, S. B. Thomas, Alfred M. Brown, S. V. Leedom, Henry B. Helm, A. H. Cunningham, and Horatio G. Wintersmith, shall be and they are hereby appointed commissioners, who, or a majority of them, shall open books, and obtain subscriptions of stock in said company. They shall advertise the time and place of opening books, in such papers as they may deem proper, and appoint commissioners at other places to receive subscriptions to the capital stock.

Directors to be elected, when & how.

SEC. 3. When the capital stock shall be subscribed, the commissioners, or any three of them, shall superintend an election, by the stockholders, of five Directors, who shall be stockholders. The time and place of the meeting shall be advertised. The Directors, so elected, shall hold their offices until their successors shall be elected. The election of Directors shall, in each succeeding year, take place on the first Monday in July, in each year. The Directors shall elect a President and Treasurer, and such other officers as they may deem necessary for conducting the affairs of said Institution, and take from them bonds, payable to the President, Directors, and Company of the Elizabethtown Savings Institution, with such penalty as they may deem necessary; and for a breach of the same suit or suits may be brought. Each stockholder shall, at all elections, for Directors, have one vote for each share of stock.

Officers to be elected.

Subscriptions, how paid.

SEC. 4. There shall be paid, at the time of subscribing, five dollars on each share of stock subscribed, to the commissioners, and five dollars on each share every thirty days thereafter, until the whole stock shall be paid; when certificates of stock shall be issued therefor.

Duty of President.

SEC. 5. The President shall preside at the meetings and sign all obligations, bonds and conveyances, which may be directed by the Board. The President and Directors shall have full power to make all necessary by laws and rules for the regulation of said Institution, which may be deemed expedient; prescribe the terms on which deposits shall be received and paid out, and the rate of interest to be paid thereon, which shall not exceed six per cent. per annum.

Object of corporation.

SEC. 6. The business of this Institution shall be to receive bank bills and other valuables on deposit, and deal in gold and silver coin and bullion, and bills of exchange, and purchase promissory notes at a rate of discount not exceeding six per cent. They shall have no power to emit bills of credit, or issue bank paper, nor issue certificates of

stock, with a view to make the same circulating medium. Any notes or bills purchased by said Institution, drawn payable to or at the same, or any banking Institution, shall be put upon the same footing of foreign bills of exchange; and the same remedy may be had thereon, except the parties thereto shall not be liable to damages.

1850.

SEC. 7. Dividends shall be made on the profits of the Institution semi-annually, on the first Mondays in January and July, and paid to the stockholders, or placed on the books to their credit. Any depositor, who shall make known his intention to become a stockholder and have the same so entered on the books of the corporation, shall be entitled to dividends in proportion to the amount deposited, and such dividend shall be added to his or her deposit until the amount shall be equal to a share, when a certificate of stock shall be issued, and so he or she may again deposit from time to time and receive certificates of stock when the amounts, deposits and dividends be sufficient therefor.

Dividends, when and how to be made.

SEC. 8. The Directors may prescribe the manner in which the stock shall be transferred. No person shall be eligible to the office of Director, unless he shall be the owner, in his own right, of at least five shares of the stock of the Institution; nor shall any stockholder vote, after the first election, upon any stock which he has not held, in his own right, in good faith, for three months next preceding the election.

Stock, how to be transferred.

SEC. 9. Said Institution shall receive any sum offered, during banking hours, on deposit, if not less than one dollar; and infants and feme coverts may deposit therein and control the deposits so made.

Institution to receive money, &c.

SEC. 10. Should any person or persons, body politic or corporate, make any deposit of money, bank notes or other valuable thing, in the office of the Institution, on the terms and conditions published or agreed upon by the President and Directors, and drawn for the same according to the terms of deposit, and being refused payment or be unnecessarily delayed in receiving payment, said Institution shall forfeit and pay, to any such depositor, damages at the rate of twelve per cent. per annum for the delay occasioned, to be recovered by action in any court of record in this State, having jurisdiction of such causes; and should they at any time fail and refuse to pay the money deposited with them, or shall commit any wilfull violation of this charter, this act shall cease; and it shall be lawful for the Chancery Court, upon bill filed and sworn to by any citizen for that purpose, appoint commissioners to take possession of the effects of said Institution, and close its affairs, under a decree of said court, and apply the effects of the corporation to the payment of demands against it, *pro rata*, according to their several demands.

Penalty for refusing to pay deposits.

SEC. 11. *Be it further enacted*, That James F. Robinson,

1850.

Georgetown
Savings Insti-
tution incorpo-
rated, & corpo-
rators' names.

D. G. Hatch, J. T. Graig, W. B. Keene, F. C. McCalla, W. C. Graves, B. E. Hall, D. Howard Smith, James M. Frost, Ben. B. Ford, M. B. Webb, James F. Beatty, John T. Pratt, R. M. Johnson, Jr., P. L. Cable, J. H. Daviss, P. Thompson, P. L. Mitchell, John Hall, Junius R. Ward, Wm. Johnson, Wm. McDaniell, W. L. Sutton, H. Craig, James M. Shepherd, John G. Morrison, V. M. Flournoy, John Wallace Keene, D. M. Runyon, H. Rankins, George Allgair, P. Otwell, Sam. Elgin, James Barkley, H. C. Graves, D. Thomas, R. M. Ewing, Charles Nichols, W. W. Jacobs, W. A. Smith, R. F. Ford, Jos. Coulter, Green Tucker, S. F. Gano, Geo. Steffee, Anson Lyon, Paul Rankins, Geo. W. Viley, W. H. Martin, John Emison, George W. Burch, Levi Prewitt, H. Wood, W. H. Barlow, Evan Stevenson, T. Hughes, James C. Lemon, John M. Garth, M. V. Thomson, John Thomson, Sen., H. B. Offutt, Wash. Samuel, Charles Buford, James K. Duke, Charles B. Lewis, J. W. Bradley, Jr., L. C. Suggett, T. C. Flournoy, A. Duvall, J. D. Sinclair, E. H. Black, U. M. Offutt, L. L. Herndon, Thomas Smarr, John F. Warren, Robert W. Keene, R. T. Branham, C. M. Flournoy, John D. Winston, John T. Daviess, J. E. Farnain, G. K. Smith, John McMeekin, C. A. Ward, Wm. B. Risk, B. D. Harmon, W. D. Crockett, J. B. Kinney, Ben. Osborn, James Rawlins, John A. Gorham, Charles Herndon, A. H. Offutt, David Emison, B. F. Bradley, L. B. Dickinson, Thomas B. White, James A. McHattom, H. M. Rucker, and George L. Williams, and all and every other person or persons hereafter becoming members of the Georgetown Savings Institution, in the manner hereafter mentioned, shall be and are hereby created and made a corporation and body politic, by the name and style of the "Georgetown Savings Institution;" and by that name shall have perpetual succession; and be capable, by law, to hold and dispose of property; to sue and be sued, plead and be impleaded, answer and defend and be answered and defended, in courts of law and equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever; and to make, have, and use a common seal, and the same to change and renew at pleasure; and generally to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design of said corporation: *Provided, however,* that after the first election, (hereinafter provided for,) should any of the persons herein named decline to be members, by not depositing money in this institution, agreeably to the by-laws of said Institution, they shall cease to be members of the corporation; and the President and Directors shall fill such vacancy or vacancies, by such person or persons as will become depositors therein.

Corporate
powers.

Sec. 12. *Be it further enacted,* That there shall be a meet-

ing of the members of said Georgetown Savings Institution, on such day in the month of June next, and at such place as the six persons first named in this act, or any three of them, shall appoint—notice of such meeting being given, in some newspaper printed in Georgetown, at least ten days previous to such meeting—and on such day in the month of June next, and at such place annually thereafter, as the by-laws of the said institution shall provide, for the purpose of choosing from among the members, nine Directors, who shall choose a President from their body, (no member in any case, having more than one vote,) to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place; and the five members first named shall be judges of the first election of Directors; and the judges of all future elections shall be appointed, and notice of such elections given, in such manner as the by-laws shall provide. And in case of the death, resignation, or vacancy from any other cause in the said Board of Directors, the remaining Directors shall fill the vacancy or vacancies from the members of said corporation for the unexpired term or terms of the Director or Directors whose seat or seats have been vacated; and if the election should from any cause, not be made on the day designated, this corporation shall not, from that cause, be dissolved; but the Directors then in office shall, by the same notice, appoint another day for holding said election.

Sec. 18. *Be it further enacted*, That the President and Directors, for the time being, or a majority of them, shall appoint all such officers, agents and servants as they shall deem necessary to conduct or execute the business and affairs of the Institution, fix their compensation, and, in their discretion, to dismiss them; provide for the taking bonds to the corporation, from all or any of their officers, agents or servants, by them so appointed, with security, conditioned in such form as they shall prescribe, for the faithful execution of their several duties, and to secure the corporation from loss; regulate the manner of making and receiving deposits, the form of certificates or shares to be issued to depositors, and the manner of transferring the same; provide for the investment of the funds of the corporation, in such manner as they shall deem most safe and beneficial; provide for paying all necessary expenses in conducting the affairs of the corporation; and generally shall pass all such by-laws as shall be necessary to the exercise of the said powers, and of the other powers vested in said corporation by his charter, and the said by-laws, from time to time to alter and repeal: *Provided*, that all such by-laws as shall be made by the Directors, may be altered or repealed by a majority of the members assembled at any annual meeting, or at any general meeting, called in pursuance of any by-law made for that purpose; and a majority of the

1850.

Meeting when
to be held.

Directors, &c.
to be chosen.

Vacancies, &
how filled

Officers to be
appointed, their
duties, &c.

Bonds to be
given.

By-laws may
be enacted.

1850.

members may, at any annual or general meeting, pass by-laws which shall be binding on the Directors: *Provided*, That such by-laws shall not be contrary to the laws of this State, or of the United States.

May receive
money on depo-
sit.

SEC. 14. *Be it further enacted*, That said corporation shall be capable of receiving from any free person or persons, any deposit or deposits of money, and that all moneys so received shall be invested in public stocks or other securities, at the discretion of the Directors, and in the manner deemed most safe and beneficial: *Provided always*, that such investment of the funds of the corporation shall be in the manner provided by the by-laws, and that no Director or member shall be liable in his person or property for any debts, contracts, or engagements of the said corporation; but that the money, property, rights and creditors of said corporation, and nothing more, shall be liable for the same: *Provided also*, that no part of the funds of said corporation shall be loaned to any Treasurer or other officer of said corporation.

Affairs of the
Institution to be
investigated, &
how.

SEC. 15. *Be it further enacted*, That it shall be the duty of the Directors, at least once every six months, to appoint, from the members of said corporation, five competent persons, as a committee of examination; which committee shall appoint another committee of five persons from the depositors (who are not voting members) in said Institution, which two committees, so appointed, shall investigate the affairs of said corporation, and make and publish a report thereof, in any newspaper published in the town of Georgetown; and at any time it shall be required by a majority of the members of said corporation, there shall be, as aforesaid, an examination and report of the condition of said Institution; and it shall be the duty of the Directors, on the first Monday in January and on the first Monday in July, in each and every year, to make and declare a dividend of the interest and profits of said corporation, after paying its expenses, and the same to pay over to the stockholders and depositors, or their legal representatives, within ten days thereafter.

Notes & bills
discounted to be
put on the same
footing as for-
eign bills of ex-
change, &c.

SEC. 16. *Be it further enacted*, That all bills and notes at any time discounted or made payable to said Institution, having the words "without defalcation" embodied in it or them, shall be put upon the same footing as foreign bills of exchange; and said Institution is to calculate and charge interest according to the rules laid down in Rowlett's tables of interest, and as is usual on discounted notes; any law, custom, or usage to the contrary notwithstanding: *Provided*, there shall be no damages on any such bills or promissory notes discounted by said Institution; and they shall have no greater dignity or priority of payment, in a regular course of administration, than other bills or promissory notes.

Sec. 17. That said Institution may receive deposits from minors, the consent of such minors' parents, guardians, or masters, being given thereto in writing; but shall not pay such deposits over to such minor, nor any part of the interest accruing thereon, until such minor shall have attained the full age of twenty one years, unless the parents, guardians, or masters of such minor consent thereto in writing.

1860.
May receive
deposits, &c.

Shall not issue
bank notes, &c.

Sec. 18. That this corporation shall not make or issue notes or bills of credit, in the nature of Bank notes or bills, payable on demand, or at a future day, to bearer or order, or in any other form; but they may, if found necessary, deal in bills of exchange, and draw for funds transferred to them, or in any manner to their credit, in any place whatever out of the town of Georgetown; but shall, in no event, exercise any banking or other privileges, except as herein provided for and granted.

Penalty for re-
fusing to pay de-
posits.

Sec. 19. That should any person or persons, body politic or corporate, make any deposit or deposits of money, Bank notes or other valuable things, in the office of this Institution, on the terms and conditions that shall be published by the officers thereof, and under the conditions of said deposit, draw for the same, and be refused re-payment thereof, or be unnecessarily delayed in receiving his or their money, the said Institution shall forfeit and pay, to any such depositor, damages, at the rate of ten per cent. per annum for the delay occasioned, to be recovered by an action to be brought at the next term of the Scott Circuit Court after such delay or refusal to pay; and should the said corporation, at any time, fail to re-pay the deposit made with them, this act shall cease and determine; and on the same being satisfactorily proved to the Scott Circuit Court, the Judge of said Court shall appoint Commissioners to take possession of the estate and effects of said corporation, and to divide the same among the creditors thereof, in equal proportion to their several demands.

Votes, how
regulated.

Sec. 20. That in the event of any member, (or person who may hereafter become a member of this Institution,) becoming owner of more than one share of the original hundred shares of stock (hereby incorporated) by purchase or otherwise, it shall be the duty of the Directors, for the time being, to cause certificate or certificates of membership to be issued to a weekly depositor or depositors in said Institution, creating them voting members of this corporation, in order that the number of voting members shall always be kept at the original number of one hundred, hereby incorporated. This charter shall continue for and during and until the expiration of the year one thousand eight hundred and eighty, and no longer.

Savings Insti-
tution of Har-
rodsburg estab-
lished, and pre-

Sec. 21. *Be it further enacted*, That the Savings Institution of Harrodsburg, is also hereby established; and Sandford McBrayer, Christopher C. Moore, Andrew G. Kyle,

1850.

visions of foregoing act to apply.

James Taylor, Elijah Hutchison, Wm. Robertson, Wm. J. Moberly, Christopher Graham, Elijah Gabbert, Benj. C. Allyn, John G. Hardy, Felix G. Matheny, and Peter R. Dunn, or a majority of whom, are appointed Commissioners to open books for the stock therein, and all the provisions of this act, so far as they apply to the Elizabethtown Savings Institution incorporated by this act, shall apply as fully to the Savings Institution hereby established at Harrodsburg, as they do to the said Savings Institution at Elizabethtown: *Provided*, that the shares of stock, in the Savings Institution at Harrodsburg, shall consist of twenty five dollars, and shall be payable in instalments of two dollars and fifty cents when the stock is subscribed, and two dollars and fifty cents monthly thereafter, until the whole is paid.

Greenupsburg Savings Bank established, and regulated by the provision of the foregoing act.

Sec. 22. *Be it further enacted*, That there shall be and is hereby created a Savings Bank in the town of Greenupsburg, and by the name and style of the Greenupsburg Savings Bank shall have corporate existence, and as a body politic, in that name may sue and be sued, and have and use a common seal, and in every other respect be governed by and fully invested with all the powers and privileges herein granted to Elizabethtown Savings Institution.

Sec. 23. *Be it further enacted*, That William Corum, Jesse Corum, L. D. Ross, Charles Wilson, Edmund Hollinsworth, and Joseph Collins, be and they are hereby appointed Commissioners to receive subscriptions of stock. That one hundred and fifty thousand dollars shall be the capital stock of the Greenupsburg Savings Bank; and when fifty thousand dollars shall have been subscribed, they may proceed to the election of a President and Directors and others officers as prescribed by this act.

Approved March 7, 1850.

CHAPTER 522.

AN ACT to authorize a change of the State road from Hopkinsville to Columbus, and to incorporate the Louisville and Cane Run Plank Road Company.

Authorized to change the State road leading from Hopkinsville to Columbus.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That J. C. Wayne is hereby authorized to change the State road leading from Hopkinsville to Columbus, where said road runs through the lands of said Wayne, in Ballard county, a distance of about one hundred and twenty rods, (between Milburn and Columbus:) *Provided*, that application be first made to the Ballard County Court for said change; whereupon, said court shall appoint three competent Commissioners, house keepers, and not of the neighborhood, to view and report upon the proposed change, the conveniences and inconveniences.

ces to the public and to individuals, and upon the report of the Commissioners to said County Court, duly made out and sworn to, the court may then order a change in said road, as above indicated, if in their opinion the distance in said road will not be increased by said change, nor the road put upon worse ground: *Provided, further*, that a majority of all the Justices of said county, whilst on the bench as a County Court, concur in making the order for the change, and said court shall not order any change in said road, until that part of the proposed new road, or route to which the said road is to be changed, shall be opened as wide, and put in as good order and condition, as the law now requires the present road to be kept in.

1836.

SEC. 2. *Be it further enacted*, That John O. Cochran, Joseph W. Taylor, Isaac P. Miller, Warrick Miller, Early Smith, — Guar, George Williams, James Maurey, John W. Hughes, David Meriwether, Collin Throckmorton, and Virgil McKnight, and their successors and associates be and they are hereby created a body politic and corporate, with perpetual succession, for the purpose of constructing a plank road from the south western limits of Louisville, or from some point on the Louisville and Elizabethtown turnpike road, to the Ohio river, at some point below the mouth of Cane run, and at or nearly opposite Young's saw mill, on the Ohio river, in Indiana, by the name and style of the Louisville and Cane run Plank Road Company; and by that name and style shall have power and authority to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in all courts of law or equity, in this Commonwealth, or elsewhere; and to have and use a common seal, and the same to alter, renew, or change at pleasure; and generally to do and perform every act and thing necessary and proper to carry into effect the objects of this act, and the purposes for which the corporation hereby created is designed.

Corporators' names, &c.

Name & style.

SEC. 3. The capital stock of the company hereby incorporated shall be thirty thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 4. The persons named in this act, or any two or more of them, shall have power and authority to open books for the subscription of stock, in said company, at such time and place as they may deem proper; and keep the same open as long as they may think expedient, or until the whole capital stock of said company shall be subscribed, or such part thereof as they may deem sufficient with which to commence the work, with a view to its completion; but said company shall not be organized by the election of officers, as hereafter provided, until at least the sum of six thousand dollars of the capital stock shall have been subscribed for as herein provided, and when that sum or more shall be subscribed, then the company shall have

Books may be opened for subscription stock.

1850.

the right to organize and proceed to the election of officers as hereinafter provided.

President, &c.
to be elected, &
their powers.

SEC. 5. The management of the affairs and prudential concerns of this company shall be under the control and direction of a President and four Managers, who shall be stockholders, and who shall be chosen by the shareholders, at such time and place as may be appointed by the persons under whose direction the books for subscription may have been opened, as hereinbefore provided. Each share of stock shall be entitled to one vote; and at least three days previous notice, in some one of the papers published in Louisville, shall be given of the time and place of this election; and thereafter the elections shall be held in such manner as may be provided by the by-laws of the President and Board of Managers, except each share of stock shall always be entitled to one vote.

How stock-
holders to vote.

May pass by-
laws, &c.

SEC. 6. The President and Managers shall have power to make such by-laws as they may deem proper for the convenient and expeditious transaction of the business of the company; not, however, inconsistent with the constitution or laws of this Commonwealth. They may also provide, by such by-laws, the manner or mode of transferring the stock of the company; and when, where and under whose direction the annual elections for a President and Managers shall be held; and how vacancies, in the Board of Managers, or of the President, shall be filled.

When elections
to be held.

SEC. 7. That it shall be the duty of the President and Managers to provide, in their by-laws, for annual elections by the stockholders of a President and Managers; and that a stated period for that purpose be fixed.

President, &c.,
to appoint Sec'y
and Treasurer,
&c.

SEC. 8. That the President and Managers have the right to appoint their own Secretary, and a Treasurer of the company, and to employ such other officers, agents, or servants as they may deem expedient or necessary, and to pay them, or any of them, for their services, out of the corporate fund; and to dispense with the services of any, whenever they may think fit, and employ others if necessary.

Route of road,
how determin-
ed.

SEC. 9. That as soon as the company shall be organized, as herein provided, or as early thereafter as convenient, it shall be the duty of the President and Managers, by themselves or a committee of five from the stockholders, with a competent engineer, to proceed to mark out the route of said road, preparatory to its location; and if done by a committee, as herein provided, they shall report to the board for their examination and approval.

Right of way,
how obtained.

SEC. 10. That for the purposes of said road, the company is authorized to buy or receive relinquishments of title, for the right of way, from land holders through whose lands the road may pass, of not less than thirty feet in width, nor more than sixty feet in width, as may be considered best by the President and Managers; or said com-

pany shall have the right to condemn any lands for this purpose, in the way and to the extent that turnpike road companies generally have by law, and particularly as provided for the Louisville and Elizabethtown Turnpike road Company, and in like manner, said company shall have the right to acquire title to, and hold not more than five acres of land, at one point, for the erection of toll houses and for purposes of toll gathers.

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SEC. 11. That when three miles of said road shall be completed by said company, with suitable materials and by proper construction—which fact shall be determined by a Justice of the Peace of Jefferson county, no way connected with said corporation as a stockholder or contractor under it, and the fact certified by him to the Jefferson County Court, which Court shall cause the said certificate to be recorded by their clerk on the order book of said Court, and for the whole service said clerk shall receive a fee of fifty cents to be paid by said company—then said company may erect a toll gate on said road, and have a right to demand and receive, from the passers over it, such tolls as are hereinafter allowed and provided for, to-wit, the same rates per mile as allowed by law to the Louisville and Elizabethtown Turnpike road Company: *Provided*, said rates may be changed and lessened by the President and Managers at any time, but shall not be increased by them, without authority of law.

When toll gate may be erected.

Rates of toll.

SEC. 12. That any person or persons who shall use said road, and evade or shun a toll gate thereon, and avoid the payment of his or their tolls, shall be liable to the same penalties, and be proceeded against in the same manner, as provided by law against such offenders on the Louisville and Elizabethtown Turnpike road.

Penalty for refusing to pay toll.

SEC. 13. That the President and Managers shall not declare and divide with stockholders any dividends from said road, till the whole be completed according to this act and its location; but that such tolls as may be gathered be applied to the completion of the road.

Dividends, when and how declared.

SEC. 14. That the President and Managers shall have full power and lawful authority to take bond, with security, from any officer, agent or contractor with said company; and in such penalties as they may think proper, and with such conditions as they may prescribe, the better to insure the performance of the duty required, or the compliance with the thing stipulated. And all such bonds shall be as obligatory on principals and sureties, as if such bonds had been specially provided for and their conditions prescribed by this act.

Bonds from officers may be taken.

SEC. 15. That the President and Managers shall keep, or cause to be kept, a fair record of their proceedings, which shall be subject to the inspection and examination of any stockholder, at any time.

Record to be kept.

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Penalty for
obstructing pas-
sage of road,
&c.

SEC. 16. *Be it further enacted*, That if any person shall wilfully injure or destroy, or in any way obstruct a free passage on, said road, by tearing up the planks, or throwing timber or other obstructions on the road, or injuring or obstructing, in like manner, any bridge or causeway which said company may cause to be constructed for said road, such offender, if a freeman, shall be liable to a fine of not less than ten dollars nor more than twenty dollars for every such offence, to be recovered in the name of the Commonwealth, before any justice of the Peace in Jefferson county, one half for the use of the informer and the balance for the benefit of the company, and to be collected in the same way and by like process with other fines and forfeitures to the Commonwealth now provided by law. And moreover, the offender shall be liable to the company for any damage done, which may be sued for in the name of the company, and recovered before any court having cognizance by law of such cases; and upon the recovery by said company, in such action, of any damages, they shall have a right to such process for the enforcement of such recoveries as are allowed by law for the collection of fines and forfeitures to the Commonwealth. If the offender be a slave, then he shall receive, by order of the Justice, not less than ten nor more than twenty lashes; and for a second offence of the same kind or nature, thirty nine lashes,

Profits, how
divided.

SEC. 17. *Be it further enacted*, That it shall be the duty of the President and Managers, after said road is fully completed as herein provided for, to divide among the shareholders such nett profits as may arise from the tolls, in such manner and at such times, as they may provide by their by-laws: *Provided*, the same shall not exceed ten per cent. on the actual cost of said road, and the cost of keeping same in repair. And should said Louisville and Elizabethtown road be intersected by said road, said Louisville and Elizabethtown Turnpike Company shall be entitled to and receive tolls for so much of their road as is used by said travel.

Approved March 7, 1850.

CHAPTER 523.

AN ACT incorporating the Shelbyville and Lagrange Turnpike or Plank Road Company.

Name & style,
object.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and the same is hereby created under the name and style of the "Shelbyville and Lagrange Turnpike or Plank Road Company," for the purpose of forming and making an artificial road from Shelbyville, in Shelby county, to Lagrange, in Oldham county.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be twenty five thousand dollars to be divided into shares of one hundred dollars each.

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SEC. 3. *Be it further enacted*, That books, for the subscription of stock in said company, shall be opened on the first Monday in April next, at Shelbyville, under the direction of James Bullock, William T. Knight, William Jarvis, George L. Harbison, Robert Doak, Adam F. Scarce, and James Lowery; at Ballardsville, in Oldham county, under the direction of Jacob Sodusky, James Neal, Robert Mallory, Joseph Fible, V. Overall, and William Barnhill, Jr.; at Lagrange, in Oldham county, under the direction of Thomas A. Rodman, Hugh L. Givens, Hugh Rodman, Wm. C. Price, John G. Gibson, and James Mount, or some two or more of them at each place; who are appointed commissioners. The commissioners at each place shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation, in said books, to wit: We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company of the Shelbyville and Lagrange Turnpike or Plank Road Company, the sum of one hundred dollars for every share of stock, in said company, set opposite our names, in such manner and proportion, and at such times, as shall be required by the President, Directors, and Company. The said commissioners, or a majority of them, shall give notice, in the newspaper printed in Shelbyville, of the time and place of opening the books for subscription of stock in said company, and that the same will continue open until the amount of capital stock be subscribed.

Commissioners to open the books.

Obligation to be given.

SEC. 4. *Be it further enacted*, That as soon as the amount of capital shall be subscribed, the said commissioners, or a majority of them, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, who shall hold their office for one year, and until others shall be duly elected and qualified. The said President and Directors shall, before they enter upon the duties of their appointment, take an oath before some Justice of the Peace, that they will faithfully discharge the duties of President, (or Directors as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year and until others shall be appointed. The Treasurer of said company shall, before entering into the duties of his office, give bond, with two good securities, in the penalty of fifteen thousand dollars, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer of said company, and that he will, when called

Meeting to elect officers.

To take oath.

Treasurer to be appointed, & give bond.

1850.

on, pay the amount of money in his hands to the order of the President and Directors; and that he will perform the duties required of him by the by-laws of said company.

Corporate
powers.

SEC. 5. *Be it further enacted*, That upon the election and qualification of the President and Directors as aforesaid, they shall be a body politic and corporate in deed and in law, by the name, style, and title of the Shelbyville and Lagrange Turnpike or Plank road Company, and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying in fee simple, all such lands, tenements, hereditaments and estate, real and personal, as shall be deemed necessary by them to construct either a turnpike or plank road, from the town of Shelbyville, in Shelby county, to the town of Lagrange, in Oldham county; they shall have power to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in Courts of record or any other place whatever, and also to have a common seal; and to do all and every other matter or thing which a body politic or corporation may lawfully do.

Calls on stock.

SEC. 6. *Be it further enacted*, That the said President and Directors, upon their entering on the duties of their office, may call upon the stockholders for the payment of any sum not exceeding twenty dollars on each share subscribed in said stock; and may, if deemed necessary, call for ten dollars on each share every sixty days, until the whole amount subscribed shall be paid; and if it shall be ascertained that the amount of capital is not sufficient to accomplish the object of this act, the said President and Directors may enlarge the same to such amount as they may deem necessary, and open books for subscription therefor, in such manner as they may direct.

Votes allow-
ed stockholders.

SEC. 7. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, according to the number of shares he shall hold, shall be in proportion as follows: for every share under five, one vote; for every two shares over five and not exceeding ten, one vote; for every four shares, over ten one vote; and after the first election, no share or shares shall confer a right of voting which shall not have been holden three months previous to the election. The stockholders may vote in person or by proxy; and no person who is not a citizen of Shelby or Oldham counties, and who is also a stockholder, shall be eligible to the office of President, Director or Treasurer; and the President, Treasurer or Directors shall cease to be such on his or their ceasing to be a stockholder. The annual election for a President and Directors shall be held at Shelby-

Annual elec-
tion.

ville, the second Monday in April, at which time the President shall lay before the stockholders an expose of the situation of the said company, and also the records of their proceedings for the preceding year.

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SEC. 8. *Be it further enacted*, That the President and Directors, first chosen as aforesaid, shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, to each shareholder for each share by him or her subscribed and held; which certificate shall be transferable on the books of the said corporation, in person or by attorney; but no share shall be transferred until all the calls and arrearages thereon are paid. The original certificate of the share or shares transferred shall be surrendered, and a new certificate shall issue to the purchaser, who shall be a member of said corporation, and entitled to all the benefits and privileges that the original owner was entitled to.

Certificates of stock:

SEC. 9. *Be it further enacted*, That the President may call meetings of the Directors, at such times and places as he may think proper. A majority of all the Directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book provided for that purpose, and shall be signed by the President; and in case of the absence of the President the Directors shall elect one *pro tempore*, and they may adjourn from time to time as they may think proper.

Meetings of Directors.

Record to be kept.

SEC. 10. *Be it further enacted*, That the President and Directors shall have power and authority to agree with and appoint all such surveyors, engineers, superintendents, artists and officers, as they shall judge necessary to carry on the contemplated work; and to fix their salaries and wages; to prescribe the time, manner and proportion, in which the stockholders shall make payments on their respective shares; to carry on the said works; to draw orders on the treasury for all moneys necessary to pay the salaries or wages of persons employed, and for the labor and materials furnished; and to do all such other matters and things, as by this charter, the by-laws of the corporation, they are or shall be required to do.

Surveyors, &c., to be appointed.

SEC. 11. *Be it further enacted*, That the President shall give notice, in a newspaper printed in Shelbyville, and such other notice as the President and Directors may think necessary, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment; and if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalments so called for, pay at the rate of one per cent. per month for every delay of such payment; and if he shall fail to pay the amount of such call and the penalty aforesaid for the space of six months, after

Calls on stock.

1850.

the time such payment is required, he or she shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the President, by order of the Directors, shall sell the said shares at public auction, having advertised the same for ten days: *Provided*, the same will bring the amount of the balance due on said share or shares: *And, provided*, that no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable as aforesaid, on the share or shares by him or her held, shall have been paid agreeably to the requisitions of the President and Directors.

Surveys, ex-
aminations, &c.
to be made.

SEC. 12. *Be it further enacted*, That the President and Directors shall employ such surveyors, engineers, artists, and chain carriers, as they may think necessary; and they are hereby authorized to enter in and upon the land, and enclosure, public roads, and highways, in, through and over which said intended road may be thought proper to pass, and to examine and survey the ground most proper for the purpose, and to the quarries, beds of stone, timber, gravel, and other materials necessary for the completion of said road; and they shall locate the said road on as direct a line as the ground will admit of, from Shelbyville to Lagrange, touching at ———; which route shall be agreed on by the President and a majority of the Directors; and they shall cause a plat of said road to be made out and lodged with the Treasurer of said company.

May enter up-
on lands.

SEC. 13. *Be it further enacted*, That it shall and may be lawful for the President and Directors, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts and wagons, and other carriages, and the beasts of draught and burden, to enter upon the lands in and over, contiguous and near to which the said intended road shall pass, having given notice of their intention to the owner and occupiers thereof or their agents: *Provided*, that if the said owners or agents shall not agree with the said turnpike or plank road company, as to the damages to which he or she may be entitled, then it shall be the duty of said President and Directors of said company to make application to the County Court of the county in which said land may lie, for a writ of *ad quod damnum*, to assess the damages which may have been sustained by such party; and such proceedings shall thereupon be had, as are directed by law in relation to the establishment of public roads; and the jury in assessing damages shall take into consideration the advantages and disadvantages resulting to the party claiming damages, by the establishment of said road; and upon payment or tender of the damages, it shall be lawful for said President and Directors to open and make the said road, and to dig and carry away any stone, gravel, earth, and other materials, necessary for making and repairing said road.

Right of way,
how to be ac-
quired.

SEC. 14. *Be it further enacted*, That so soon as the President, Directors and Company shall have completed any five miles of said road they shall call on any three Justices of the Peace in the county, in which the same may be completed—which Justices shall be no wise interested in the stock of said company—to examine the same; and if they shall certify that the said road is made in conformity to this act, (which certificate shall be recorded in the office of the Clerk of said County Court,) the President and Directors may cause a gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, cattle, carriages, &c: *Provided*, that no gate shall be erected within half a mile of Shelbyville, Ballardsville, or Lagrange.

1850.

Toll gates.

SEC. 15. *Be it further enacted*, That so soon as the gate shall be erected as aforesaid, it shall and may be lawful for the President and Directors to appoint such and so many toll gatherers, as they may think proper, to collect and receive of and from all and every person or persons, using the said road, the tolls and rates hereinafter mentioned; and to stop any person riding, leading or driving any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen, from passing through said gate or turnpike, until they shall have paid toll agreeably to the following rates, to-wit: for every twenty head of sheep, hogs, or other small stock, six and one fourth cents; for every ten head of cattle, six and one fourth cents; for every horse, mule, ass, or other four footed animals of a large kind, except cattle, four cents; for every two wheeled pleasure carriage eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported by it; for every four wheeled pleasure carriage, fifteen cents, exclusive as above; for every cart, eight cents; and for every wagon, or other carriage of burthen, whose wheels shall not exceed four inches in width, fifteen cents; for every such carriage of burthen, whose wheels shall exceed four inches and not exceed six inches in width, twelve cents; for every such carriage of burthen, whose wheels shall exceed six inches in width, eight cents, exclusive of the beasts by which it is drawn.

Toll gatherers.

Rates of toll.

SEC. 16. *Be it further enacted*, That if any person or persons, liable to pay the tolls aforesaid at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with the intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any ground or lands near to or adjoining any gate erected as aforesaid, or with intent aforesaid, shall take off, or cause to be taken off, any horse, or other beast, or cattle of draught, burthen, or pleasure, or shall practice any other fraudulent device, with intent to lessen or evade the payment of any

Penalty for avoiding tolls.

1850.

such toll or duty, such person so offending shall, for every such offence respectively, forfeit and pay to the President and Directors the sum of five dollars, recoverable before a Justice of the Peace, in like manner as other debts of equal amount, in the name of the President and Directors aforesaid.

No tolls to be received when road is out of repair.

SEC. 17. *Be it further enacted*, That if at any time the said road shall be out of repair for the space of ten days, it shall and may be lawful for any person to call on two adjacent Justices of the Peace to go and inspect said road, and if, upon inspecting the same, and receiving proof that it had been out of repair ten days, the said justices shall by their order, deliver to the Treasurer of said company, or in case of his absence, to the President or any of the toll gatherers, direct that no toll or duty shall be received on said road until the same shall be repaired and put in good order; and if any toll shall be taken or demanded, after the delivery of such order, the said company shall forfeit and pay the sum of five dollars for each and every offence, to be recovered, as other debts of like amount, upon service of process upon the acting President of said company, or any toll gatherer: *Provided, however*, that said recovery shall only be had against the company for the unlawful demand of the toll gatherer nearest to that part of the road so declared to be out of order or repair: *And, provided further*, that there shall have been sufficient time to inform the gate keepers of said order having been delivered to the President or Treasurer, where that is the fact; and upon said road being repaired, the President and Directors shall call two Justices of the Peace, in like manner, to examine the same, and if they shall be of opinion that the said road is in repair, they shall certify the same and direct that the tolls shall be demanded and taken at the gate or gates, agreeably to the provisions of this act.

Moneys, how to be expended.

SEC. 18. *Be it further enacted*, That the President and Directors shall keep a fair and just account of all moneys which shall be received by them from the subscribers of the stock of said company, also of all moneys expended by them in the prosecution of said work; and all costs, charges and expenses of said road shall be paid and discharged, and the aggregate amount, when ascertained, shall be entered on the books of the Treasurer. The President and Directors shall, at the end of every six months, after the said road shall be completed, make a dividend of the clear profits, and pay the same to the stockholders. The dividends shall be declared on the first Monday in April and October, in each year; and should the nett profits be less than six per cent. upon the capital of said company, the President and Directors may, after the expiration of one year from the completion of said road, increase the tolls to such sums as will amount to six per cent. upon the capital

When dividends to be declared.



1850.

expended in making said road: *Provided*, that the increase shall, after each half yearly dividend in which more than six per cent. per annum shall have been ascertained for profits, be diminished so as to make the nett profits not to exceed six per cent. per annum, until the tolls shall be reduced to the rates fixed by the fifteenth section; after which they shall remain as therein provided: *And, provided*, that the nett profits or tolls shall never exceed fifteen per cent. on the capital stock invested in said road; and the Legislature shall have power to provide for reducing them to that sum. The President and Directors shall cause printed lists of the rates of toll which they may lawfully demand, to be fixed on or near the gates across said road.

SEC. 19. *Be it further enacted*, That all wheel carriages, using said road, shall, in passing other wheeled carriages, keep on the right hand side, leaving the other side free and clear for wheel carriages to pass and repass, except when overtaking or passing a carriage of slower draft; and every carter, wagoner or driver, offending against the provisions of this act, shall pay, to any person suing for the same, the sum of five dollars, and also all damages any person may sustain, recoverable before a Justice of the Peace.

The manner in which carriages shall pass on said road.

SEC. 20. *Be it further enacted*, That if any toll gatherer, on said road, shall demand or receive, from any person using said road, any greater rate of toll than is allowed and authorized by this act, such toll gatherer shall forfeit and pay, for every such offence, the sum of five dollars, recoverable by any person suing for the same, before any Justice of the Peace, as other debts of like amount. That no suit to recover the penalties under the provisions of this act shall be maintained or prosecuted, unless the same shall have been commenced within six months after the offence was committed.

Penalty for exacting more tolls than allowed.

SEC. 21. *Be it further enacted*, That the road shall be graded and leveled at least twenty feet in width; and whenever the road, in the opinion of the President and Directors, will admit thereof, it shall at no part be of greater elevation than four degrees; and they shall be bound to make thereon an artificial road at least eight and not over eighteen feet in width, either of plank, or on the turnpike plan of gravel or pounded stone, to be constructed on the most approved plan; and shall forever hereafter maintain and keep the same in repair.

The grade and width.

SEC. 22. *Be it further enacted*, That the President and Directors shall take bond, with good security, from the gate keepers and other persons employed by them, for the faithful discharge of the duties to them respectively submitted or assigned; which bonds they may cause to be renewed whenever they may think it necessary, and shall be payable to the President, Directors and Company as aforesaid.

Gate keepers to give bond.

1850.

Material for
construction, &
how to be ac-
quired.

SEC. 23. *Be it further enacted*, That if after a writ of *ad quod damnum* shall have been executed, under the preceeding provisions of this act, it should become necessary for said President, Directors and Company, their engineers, agents or laborers, to enter upon any lands adjacent or near to the said road, for the purpose of obtaining materials for its construction, it shall and may be lawful for the said President, Directors and Company to obtain a writ of *ad quod damnum*, from the County Court in which said land may lie, and proceed to assess the damages sustained or to be sustained by the owner or owners of said land, timber, &c., proceeding as is required by this act in relation to writs of *ad quod damnum* sued out in the first instant, as nearly as may be consistent with such subsequent assessment.

Condemnation
of lands.

SEC. 24. *Be it further enacted*, That if at any time it shall be found, from any cause, the condemnation of the necessary ground for the construction of the said road shall not have been strictly regular, in the mode of proceeding, or the proceedings shall have been found illegal, the said President, Directors and Company shall apply to the County Court in which such land may lie, for a further or other writ of *ad quod damnum*, and proceed according to the preceeding provisions of this act, as nearly as shall be consistent with the circumstances of the case, to assess the damages sustained or which may be sustained by the owner or owners of the said land, by reason of the location and construction of said road.

Lands may be
purchased for
toll gates, &c.,
or condemned.

SEC. 25. *Be it further enacted*, That when the said road shall be completed the said President, Directors and Company may contract for, purchase and hold, to them and their successors forever, any quantity of land, not exceeding five acres, at the site of each toll gate erected upon the said road, agreeably to the provisions of this act; and if they cannot agree for such quantity of land at their respective gates, with the owner or owners thereof, they may sue out from the County Court, in the county where said gate may be situate, a writ of *ad quod damnum*, directed to the Sheriff or other proper officer commanding him to summon a jury of inquest to meet upon the said land on the day fixed by the said writ, to assess the value of any quantity of land not exceeding one acre, and the damages which will be occasioned to the owner or owners thereof by its condemnation to the use of said corporation; which writ the Sheriff, or other officer, shall proceed immediately to execute agreeably to its commands, giving to the owners of the land, or their guardians or next of kin if they be infants, at least three days notice, in writing, of the time and place of convening the said jury, and return the said inquest so taken by him, to the County Court of his county; and upon the payment or tender by the said President, Di-

rectors and Company of the value of the said land, and damages, (if any,) so assessed, the said land shall become invested in the said corporation: *Provided however*, that in the selection and appropriation of land, under this section, the said President, Directors and Company shall not include the dwelling-house, out-houses, orchards or gardens of any person, without their consent; and shall not locate the said land so as to prevent the owner or owners of the adjacent lands from access to the said road, on either side of any gate, to which they would have had access if such location had not been made.

1850.

SEC. 26. *Be it further enacted*, That in all cases of inquest, by virtue of a writ of *ad quad damnum*, as provided for in the preceding sections of this act, if either party shall be dissatisfied with the finding of the jury, it shall be lawful for such dissatisfied party to traverse such finding, and take the case to the Circuit Court: *Provided*, that the party so traversing shall execute bond to the opposite party, to pay all costs and damages that may be assessed against him or them, in said circuit; which said bond shall be filed in the Clerk's office of the Circuit Court to which the appeal was taken.

Traverse may
be prosecuted to
finding under
writs *ad quad*
damnum.

SEC. 27. *Be it further enacted*, That the Legislature hereby reserves the right to alter, amend or repeal this charter.

Approved March 7, 1850.

CHAPTER 524.

AN ACT to incorporate the Chilesburg and Athens Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and the same is hereby incorporated, for the purpose of constructing a turnpike road, upon the McAdamized plan, from Chilesburg, on the Lexington and Winchester Turnpike Road, by the way of the town of Athens, to terminate at Jacob Embry's, on the Richmond and Lexington Turnpike Road; in the county of Fayette, under the name and style of the President, Directors, and Company of the Chilesburg and Athens Turnpike Road.

Name & style,
powers, &c.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each.

Capital.

SEC. 3. That the books for the subscription of stock, in said company, shall be opened on the first Monday in April, 1850; at Chilesburgh, under the direction of Neal McCann, Rich'd Chiles, Joseph Goodman, and Joseph Graves; and at Athens, under the direction of Thos. Hays, Dr. G. B. Harrison, Samuel Hays, D. P. Watson, and Sidney S. Grimes. The commissioners at each of the above places

1850.

Obligation of
subscribers.

shall procure one or more books, and in each of them shall enter as follows: "We, whose names are hereunto subscribed, promise to pay to the President, Directors, and Company of the Chilesburg and Athens Turnpike Road Company the sum of fifty dollars for every share of stock set opposite our names, in such manner and proportions, and at such times, as the President and Directors of said company may direct, and agreeably to an act of Assembly of the Commonwealth of Kentucky incorporating said company. Witness our hands this — day of —, in the year —." The said commissioners shall give, in one or more of the public newspapers printed in the city of Lexington, Kentucky, two weeks' notice of the time and places at which books shall be opened to receive subscriptions, in stock, in said company. At which time and places one or more of the commissioners, at each place, will attend, and permit all persons of lawful age, bodies corporate and politic, who shall offer to subscribe in said books, in their own names, or that of any others who shall be duly authorized, for any number of shares in the said stock; the said books shall be kept open for the purpose aforesaid, by adjournment from time to time, if necessary, until the whole number of shares shall be subscribed. At which adjournment the said commissioners shall give such notice as the occasion may require: *Provided*, that the President and Directors of said company shall not have the power to call in more of said stock than five dollars, on each share, in any sixty days.

Meeting to
elect officers.

SEC. 4. That whenever one hundred shares of said stock shall have been taken, the commissioners shall give thirty days' notice, in one or more of the newspapers printed in Lexington, that the number of shares required by the act of incorporation, to organize the company, have been subscribed, and that an election will be held at the town of Athens to choose, by a majority of the voters of the subscribers, by ballot, to be delivered in person, or by proxy authorized, a President and four Directors, a Treasurer, and such other officers as they may think necessary to conduct the business of the company for one year, or until such other officers shall be elected.

Corporate
powers.

SEC. 5. That when the company shall be thus organized, they shall be and they are hereby declared a body politic and corporate, in deed and in law, by the name, style, and title, of the President, Directors, and Company of the Chilesburg and Athens Turnpike Road Company; and by said name, the subscribers shall have perpetual succession, and all the privileges and franchises to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and enlarging the same, from time to time, by new subscription, in such manner and form as they may think proper, if such enlarge-

1850.

ment shall be found necessary to fulfill the intent of this act; and of purchasing, taking, and holding, to them and their successors and assigns, and, also, of selling, transferring, and conveying, in fee simple, all such lands, tenements, and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works; of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of record, or any other place whatsoever; and, also, to make, have, and use a common seal, and the same to break, alter, and renew at pleasure; to make all such by-laws and regulations, not inconsistent with the laws and constitution of this Commonwealth, or of the United States, as shall be necessary; and to do all and every matter and thing which a body politic and corporate may lawfully do.

SEC. 6. That the President and Directors of said company shall be governed, in the location and constructing of said road, as also in all other respects, by the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act to amend and reduce into one the several Acts to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles," approved February 14, 1835, which do not conflict with the provisions of this act; and they are hereby vested with all power and authority, rights and privileges, tolls and emoluments, that are granted to the President and Managers of the Frankfort, Lexington, and Versailles Turnpike Road Company, by the above recited act; and they are, also, empowered with all the rights, privileges, and benefits of the act, entitled, an act for the benefit of the several turnpike road companies of this Commonwealth, approved February 9, 1837.

Frankfort, Lexington and Versailles turnpike charter adopted.

SEC. 7. That said President and Directors shall not be bound to McAdamize said road more than sixteen feet in width, and the metal to be placed on one side of said road, should they deem it proper.

Width.

SEC. 8. That each and every person compelled to work, or who have to furnish hands, on the road contemplated to be turnpiked by this act, shall be and they are hereby exempt from working or furnishing hands to work on any other road to the extent of one hand for each share of stock subscribed for, and paid, to said company.

Exemptions from working other roads.

SEC. 9. And the more fully to explain this act, the President and Directors shall have full power to permit any stockholder to work out the stock on said road that he may have subscribed, or any part thereof, provided he do it at as low a rate as any one else is willing to do it for.

Stock may be worked out.

SEC. 10. That the elevation of the grade of said road shall be fixed and regulated by said corporation; and that the State shall not be compelled to take stock therein.

Grade.

1850.

Toll gates.

SEC. 11. The said company shall have power to erect toll gates on said road, and charge the same tolls thereon (in proportion to distance,) as is allowed on the Frankfort, Versailles, and Lexington Turnpike, mentioned in the sixth section of this act.

Approved March 7, 1850.

CHAPTER 525.

AN ACT for the benefit of the Trustees of the Parsonage of the Methodist Church of Winchester, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the Parsonage of the Methodist Church of Winchester, be and they are hereby authorized to sell the said Parsonage, and apply the money, arising from said sale, in such manner as the membership of the said church may direct.

SEC. 2. *Be it further enacted*, That it shall be lawful for the Chancellor of the Scott Circuit Court to render a decree for the sale of the "Old Methodist Episcopal Church, South," building, located in Georgetown, on the filing of the petition of the Trustees thereof, and direct the proceeds of the sale to be applied to the completion of a new edifice in said town, for the benefit of said church.

Approved March 7, 1850.

CHAPTER 526.

AN ACT for the benefit of James McConnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James McConnel is allowed the further time of two years to prove his claim, as directed in an act, entitled, an act for the benefit of James McConnel, approved March 1st, 1848.

Approved March 7, 1850.

CHAPTER 527.

AN ACT for the benefit of Charles P. Stratton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles P. Stratton, of Ballard county, be and he is hereby made capable, in law, of conveying any real estate which decended to him by devise from his father, Peter Stratton, deceased; and such conveyance by him, and all acquittances therefor, shall be as good and valid in law as though he were of full age.

Approved March 7, 1850.

LAWS OF KENTUCKY.

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CHAPTER 508.

AN ACT to incorporate the Clear Creek Turnpike Road Company.

1850.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be and the same is hereby created, to be styled "the Clear Creek Turnpike Road Company of Shelby county," for the purpose of constructing a turnpike road to intersect the contemplated railroad from Louisville to Frankfort—commencing at Shelbyville, and thence running up Mulberry creek, with the New Castle road, to the forks of Clear creek; and thence with the line of Allen's military survey to Morris Thomas' store house; and thence, by the most judicious and practicable route, to be ascertained by the Commissioners hereinafter appointed, to said railroad.

Name & style.

Object.

SEC. 2. The capital stock of said company shall be twenty five thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the Commissioners may enlarge it to such amount as they may deem necessary, and open subscriptions therefor in such manner as they may deem proper.

Capital stock.

SEC. 3. Books for the subscription of stock in said company shall be opened on the first Monday in March, 1850, or as soon thereafter as may be convenient, in the town of Shelbyville, in Shelby county, under the direction of Shannon Reid, Stephen H. Myles, Wm. C. Offutt, Saml. Glass, James H. Stone, Jas. Drane, Lindsey Thomas, E. C. Payne, Henry Harris, Geo. Wilcox, and Preston Thomas, or some two or more of them, who are hereby appointed Commissioners. The said Commissioners shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation, viz: "We, whose names are hereto subscribed, promise to pay to the Commissioners of the Clear creek Turnpike Road Company, of Shelby county, the sum of fifty dollars for each share of stock set opposite to our respective names, in such proportions, and at such times, as said Commissioners may determine upon." The said Commissioners, or one or more of them, shall give notice in the Shelby News of the time and place of opening books for the subscription of stock in said company, and that they will continue open until the amount of capital stock shall be subscribed.

Com'rs to open books.

Obligation of subscribers.

SEC. 4. So soon as ten thousand dollars shall be subscribed, the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for President and four Directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath, before some Justice of the Peace, that they will faithfully perform

Meeting to elect officers.

President, &c., to take oath.

1850.

Treasurer and
other officers.Treasurer to
give bond.Corporate
powers, &c.Votes allowed
on shares.Annual elec-
tion.Certificates of
stock.

the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. Upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer, before he enters upon the duties of his office, shall give bond, with good security, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully perform the duties of Treasurer.

SEC. 5. Upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the Clear Creek Turnpike Road Company, of Shelby county; and by said name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, and heraditaments, and real and personal estate, as shall be necessary for them in the prosecution of their work; to sue and be sued, plead and be impleaded, &c., in Courts of record, or in any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body corporate and politic may lawfully do.

SEC. 6. The number of votes to which each stockholder may be entitled shall be according to the number of shares he holds, viz: one vote for each share. The stockholders may vote in person or by written proxy, and no person who is not a resident of Shelby county, and a stockholder, shall be eligible as President, Director, or Treasurer; and the President and Directors shall cease to be such on his or their ceasing to be a stockholder; the annual election for a President and Directors shall be held annually on the second Monday in April, at such place as may be directed; at which time, the President shall lay before the stockholders an expose of the situation of the company. The company shall pass all by-laws necessary for the proper regulation of their proceedings.

SEC. 7. The President and Directors, first chosen, shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, to each stockholder for the stock subscribed by him, and held; which certificate shall be transferable on the books of the corporation in person or by Attorney; but no share shall be transferred until all the calls and arrearages are paid thereon; the original certificate of the share or shares transferred shall be surrendered, and a new

certificate shall issue to the purchaser, who shall then be a member of the corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

Sec. 8. The President and Directors shall have power to fill vacancies occasioned by death, resignation, or otherwise; to appoint all such surveyors, engineers, superintendents, artists, officers, &c., as they shall deem necessary to carry on the work; to fix the salary and wages of all their officers and employees, and to remove any and all of them at pleasure; to provide their time, manner, and proportions, in which the stockholders shall make payments on their respective shares; to carry on the work; to draw orders on the Treasurer for all moneys necessary therefor, and do all such matters and things as, by this charter, and the by-laws of the corporation, they are authorized to do.

Sec. 9. The President shall give notice in the Shelby News, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment. If any stockholder shall refuse or neglect to pay his proportion of the stock, for the space of thirty days after the time appointed for the payment thereof, he shall, in addition to the installment called for, pay at the rate of one per cent. per month, for any delay of such payment, and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid on them; and the President, by order of the board, after having given ten days public notice, may proceed to sell such forfeited shares, provided they shall bring the amount due and unpaid, upon such share or shares.

Sec. 10. The said road shall be so leveled and graded, that when completed, its greatest elevation shall not exceed four degrees; the width of said road shall be thirty feet, and the artificial part thereof shall not exceed twenty five feet, and the portion thereof McAdamized shall not exceed eighteen feet, and shall be fully seven inches in thickness or depth.

Sec. 11. It shall be the duty of the President and Directors, or a majority of them, to fix the route over which said road shall pass; and, for that purpose, to employ all necessary surveyors, agents, artists, engineers, chain carriers, &c., at the charge of said company; and they are hereby authorized to enter in and upon the land and enclosures, public roads and highways, in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor, to examine for quarries, beds of stone, and other materials necessary for the completion and repair of said road; having due regard to economy, they shall locate the road as nearly on the line hereinbefore directed as the nature of the ground will allow.

1850.

Vacancies, &
how filled, ag'ts,
&c., employed.

Calls on stock.

Width and
grade.

Route, how to
be fixed.

1850.

When, how
toll gate may be
erected.

Sec. 12. So soon as any two and one half miles of said road, continuously, shall be completed, three Justices of the Peace of Shelby county, who are not interested in the stock, shall be called on to examine the work, and if they shall certify that said road is made in conformity with the provisions of this act, the certificate shall be recorded in the office of the County Court of said county, and the President and Directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, and so in proportion for any greater or less distance, from all persons traveling with horses, cattle, carriages, &c., &c.: *Provided*, that no toll gate shall be erected within less than one mile of Shelbyville.

Com'rs for
Henry county.

Sec. 13. That Orval Ford, James Prewitt, David Smith, and Thomas King, are appointed commissioners for Henry county, and that all the provisions in the foregoing act shall apply to said commissioners, of Henry county, and they are hereby vested with all the power, authority, rights, and privileges, tolls and emoluments, that the commissioners of Shelby are vested with by this act, and under the like limitations and restrictions; and all the officers of Henry county shall perform the same duties which are required, by this act, to be performed by the officers of Shelby county.

The Lebanon
and Newmarket
turnpike charter
adopted.

Sec. 14. That the provisions of an act, entitled, an act to incorporate the Lebanon, New Market, and Springfield Turnpike Road Company, approved February 18, 1848, from the twenty first to the thirty fifth sections, inclusive, and from the thirteenth to the twenty first sections, inclusive, so far as the same may be applicable, be and the same are hereby extended to the Clear Creek Turnpike Road Company, of Shelby county, incorporated by this act.

Limitation.

Sec. 15. That if the construction of the road, provided for by this act, shall not be commenced within three years from the passage hereof, the rights, privileges, and immunities, hereby granted, shall be void to all intents and purposes.

Approved March 7, 1850.

CHAPTER 529.

AN ACT to incorporate the Elkton, Greenville, and Green River Plank Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and is hereby incorporated, under the name and style of the Elkton, Greenville, and Green River Plank Road Company, for the purpose of constructing a plank road, to begin at Elkton and proceed through Greenville to South Carrollton, on

Green river, or to any other point on Green river which the President and Managers, as herein directed, may determine. The capital stock of said company shall be seventy five thousand dollars, divided into shares of fifty dollars each; which said capital stock may be hereafter increased, if found necessary, to the completion of the road by the President and Board of Managers, hereinafter named. Books for the subscription of stock in said company shall be opened on the first Monday of May next, and continue open, if necessary, for two years, at the following places, and under the direction of the following named Commissioners: at Elkton, F. M. Bristow, V. Weathers, D. V. Robinson, A. B. Cornwell, and George H. Butler; at Greenville, E. R. Weir, E. Rumsey, Jesse H. Reno, Charles Bell, Peter H. Baker, B. E. Pittman, and George W. Short; and at South Carrolton, John E. Reno, A. M. Jackson, Charles Morehead, G. L. Short, and S. Hollaway; and in the several subscription books, to be opened as aforesaid, there shall be written the following obligation, to be signed by the subscribers: "We, the undersigned, severally bind ourselves to pay the several shares, respectively, set opposite our names—each share being fifty dollars—to the President, Managers, and Company of the Elkton, Greenville, and Green River Plank Road Company, in such sums, and at such times, as said President and Managers, when appointed, may direct. Given under our hands and seals this — day of —, 18—."

SEC. 2. That so soon as fifty shares are subscribed, it shall be the duty of the said Commissioners, or such of them as may act, to give notice, by written advertisement at the Court Houses in Elkton and Greenville, and in the most public place at South Carrolton, for ten days, calling a meeting of the stockholders in the town of Elkton, for the purpose of choosing a President, Treasurer, and six Managers, for said Company; at which, and all subsequent elections, each stockholder shall have one vote for each share of stock held by him. The Treasurer shall collect and disburse all money payable to, and disbursed by, said company. The Managers may require of him bond and security, for the faithful discharge of the duties of his office, which bond shall be made payable to them and their successors in office; and in their names suit may be brought for a breach of the covenants of said bond, and, from time to time, as breaches may occur.

SEC. 3. The President and Managers may call in said stock at the rate of ten per cent. for each forty days; and upon failure to pay, when demanded, the amount, so demanded, shall bear interest at the rate of ten per cent. per annum, and the President and Managers may double the call. Any subscriber may pay his subscription in work, at the usual cash price for labor on said road: *Provided*, he

1850.

Capital stock.

Books to be opened, &c.

Obligation.

Meeting held to elect officers.

Calls on stock.

1850.

shall work at such times and places as the President and Managers may direct; or in lumber, such as may be used on the road, to be received and approved by the President and Managers, or under their direction.

When located,
no suit for dam-
ages allowed.

SEC. 4. The President and Managers shall have power to locate and lay out said road, and to receive releases to the right of way, which shall be taken in writing; and after said route shall have been located, and marked out, no action at law or in equity, shall be maintained against said company, for damages done, or for the recovery of the ground over which the road may pass, unless the same be brought within twelve months after the time said company, or their contractor or contractors, may commence working on said land.

Width.

SEC. 5. Said company may construct the road upon such grade of elevation as they may think best, and shall grade the same not less than fifteen feet wide, which may be reduced in a side cut, in a hill, or in any street; the plank part of said road shall be not less than eight feet wide, and constructed of oak. It shall be the privilege of each individual stockholder, through whose land the road may pass, to work out the value of his stock through his land, at the estimated prices for the labor to be done; or he shall have the preference at the lowest bid, or pay said stock in lumber on the same terms.

Stock may be
worked out.

Toll gates.

SEC. 6. The company may cause to be erected toll gates every five miles on said road: *Provided*, that no gate shall be erected within one mile of the corporation limits of any town. The tolls on said road, when completed, shall be so regulated as not to yield more than six per cent. per annum upon the capital stock.

SEC. 7. The President, Managers, and Treasurer, when elected, from time to time, shall take an oath well and truly to discharge the duties of their respective offices.

County Courts
of Todd & Muh-
lenburg may
take stock.

SEC. 8. The County Courts of Todd and Muhlenburg counties, a majority of the Justices for each county concurring therein, may subscribe stock in said road to the amount of eight thousand dollars in each county, and not collectable more than four equal annual instalments. They shall vote by proxy, and draw the dividends as other stockholders, and shall have the power to direct where the money, by them subscribed, shall be expended on said road.

Books subject
to inspection.

SEC. 9. The books kept by the President and the Treasurer shall, at all times, be subject to the inspection of the Managers, or of any one of them, or of any individual stockholder. The Managers, a majority of them concurring, may remove the Treasurer from office, upon which they shall immediately advertise a meeting of the stockholders to elect another.

SEC. 10. That as soon as the company is organized, the

President, Managers, and other officers, shall possess all the powers, authority, rights, and privileges, and may do all other things necessary for laying out, locating, carrying on, and completing said plank road, and shall be subject to all the duties, qualifications, restrictions, penalties, and forfeitures, (if any,) and shall be entitled to like tolls and profits as are given, granted, and prescribed, in the acts incorporating the Paris and Winchester, and Kentucky River Turnpike Road Company, except so far as the same may come in conflict with the provisions of this act.

1850.

Paris, Winchester and Ky. river turnpike charter adopted.

SEC. 11. That if, after the organization of said company, they shall deem it prudent to make a railroad, or McAdamized road, instead of a plank road, over the proposed route, they are hereby empowered so to do, with the capital stock above prescribed, and with the above granted privilege of increasing said capital stock as found necessary, and under all the responsibilities, restrictions, and privileges, imposed and conferred upon the Louisville and Frankfort Railroad Company, in an act, approved March 1st, 1847; and the provisions of said act are hereby enacted and adopted as part of this act, except so far as they are local in their application, or may conflict with the foregoing sections.

Railroad may be made—Louisville & Frankfort railroad charter adopted.

SEC. 12. That the President and Managers of the plank road are hereby authorized to call upon the superintendent, or engineer, upon the Green and Barren River Navigation for his aid and assistance in locating or surveying, or causing to be located or surveyed, the said plank road; and any expense incurred by said superintendent, or engineer, shall be charged to the Green and Barren River Navigation as in case of repairs of said improvement.

Engineer on Green and Barren rivers to make survey.

Approved March 7, 1850.

CHAPTER 530.

AN ACT to amend an act, entitled, an act to incorporate the Hodgenville Male and Female Seminary, approved March 1st, 1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the seventh section of said recited act, be so amended that it shall be the duty of the County Court of Larue to order their county Treasurer to pay over to the Trustees of the Hodgenville Male and Female Seminary all moneys which he may have on hand, collected from the sale of vacant lands in said county, and all moneys which he may hereafter receive for the sale of vacant lands, taking from said Trustees their receipt therefor; which receipt shall be a voucher for the Treasurer in his settlement with said court. It shall further be the duty of said court, upon the application of a majority of said Trustees, to order their Clerk to issue a warrant, or warrants, to said Trustees for any vacant lands in their county; and said Trus-

1850.

tees shall proceed to have the same surveyed, and obtain a patent therefor, in the same manner as purchasers of such lands now do under existing laws, and the Register shall issue a patent or patents therefor without fee. Said Trustees shall hold said lands for the use and benefit of said Seminary; but may, a majority concurring therein, at any time, sell and convey the same, and appropriate the proceeds thereof in such manner as they may deem most beneficial for the interest of said Institution.

Approved March 7, 1850.

CHAPTER 531.

AN ACT to incorporate the Transylvania School of Dental Surgery.

Corporators' names.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Hon. Thos. Metcalfe, Jacob Hughes, Thos. H. Waters, James A. Grinstead, Esqre., and Doctors John R. Smith, D. L. Price, John B. Stout, G. W. Evans, J. Berry Lindsey, and H. Marshall, and their successors, be and are hereby created a body corporate and politic, with perpetual succession, to be styled the Trustees of the "Transylvania School of Dental Surgery;" with full power to acquire, hold, and transfer property, real and personal; make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have, and use a common seal, and the same to break, change, or alter at pleasure.

Corporate powers & privileges, &c.

SEC. 2. That the said Transylvania School of Dental Surgery shall be located in the city of Lexington.

Property, &c., vested in Trustees.

SEC. 3. That all money, funds, and estate, which may now belong to said Transylvania School of Dental Surgery, or which may hereafter be acquired, by it, are, and shall be, vested in the said Trustees, to be held by them, in their corporate capacity, for the sole use and benefit of said School, and for the purpose of promoting learning therein, provided that the proceeds of the whole of the money, funds, and estate, so held by said Transylvania School of Dental Surgery, shall never exceed twenty thousand dollars.

Chairman to be appointed.

SEC. 4. That the Trustees aforesaid, and their successors, shall have the power to appoint a Chairman, out of their own number, to preside over them in their deliberations, relative to the business of the said school, and shall also have power to fill all vacancies that may occur in said body corporate.

Professors to be chosen.

SEC. 5. That said Trustees shall have power to appoint such Professors of the various departments or branches of Dentistry, to be taught in said School, as they may think proper; and all such officers as they may deem necessary for the management of the concerns of said School, and

remove the same at pleasure ; and shall, also, fix the compensation which they shall severally receive for their services.

1850.

SEC. 6. That said Trustees shall have power and authority to make all such by-laws, rules, and regulations, for the government of said School, and the management of all its concerns, as they may deem expedient ; and to alter, annul, and amend the same at pleasure : *Provided however*, that said by-laws, rules, and regulations shall not be repugnant to the constitution and laws of the United States, the constitution and laws of this Commonwealth, nor inconsistent with any of the provisions of this charter.

By-laws may be made.

SEC. 7. That the said Trustees, and the officers they may appoint, including the Professors, before they enter on the duties of their respective offices, shall severally take the following oath or affirmation, before some Justice of the Peace, to-wit: "I, ———, do solemnly swear, (or affirm,) that I will, to the best of my skill and judgment, faithfully discharge the duties of ——— of said School."

Take oath.

SEC. 8. That a majority of the whole number of Trustees, appointed under this charter, shall constitute a quorum, competent to transact all the business belonging or appertaining to said school ; and said Trustees shall hold at least two stated meetings in each year, and shall, when necessary, appoint a Chairman, *pro tempore*, to preside over them.

Majority of Trustees to do business.

SEC. 9. That should any Trustee or Trustees, hereinbefore named, or that may hereafter be chosen, according to the provisions of this act, neglect or refuse to qualify, for three months next after being notified of his appointment, his office shall be considered vacant, and the remaining Trustees shall proceed to appoint another in his stead ; and it shall be the duty of said Trustees to enter all their proceedings in a book or books, to be kept by them for that purpose.

Vacancies, & how filled.

SEC. 10. That said body corporate shall have power to confer such literary honors, degrees, and diplomas, upon the students of said school, as the Professors of the several departments may think them entitled to receive.

SEC. 11. The Legislature shall at all times, have power to alter, amend, or repeal this charter.

Approved March 7, 1850.

CHAPTER 532.

AN ACT for the benefit of H. W. Martin, of Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Hudson W. Martin, of the county of Barren, be and he is hereby authorized and allowed to change the location of a part of the State road leading

1850.

from Glasgow to Lexington—the new road to commence and turn off on the north side of said Lexington road at Tho. S. Walton's store, and to intersect the old road at or near the west corner of Buford Pemberton's fence : *Provided*, said new road is made at said Martin's private cost; and further, that he shall be responsible for any damage that may arise in consequence of said road running through the lands of other persons, or any other damages which other persons may sustain by reason of the change in said road; the damages to be ascertained by a jury of said county, and collected in the same way as damages of like kind are now collected : *And, provided further*, that said Martin shall put said new road in as good order as the present road, and that it may be received by the Surveyor of the road for the time being.

Approved March 7, 1850.

CHAPTER 533.

AN ACT to establish a State Road from Richards', in Fleming county, to Louisa, in Lawrence county.

Com'r's
view way.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Richards, of Fleming county, James W. Thompson and Richard P. White, of Carter county, and William Pennington and Martin Thompson, of Lawrence county, be and they are hereby appointed commissioners, a majority of whom, being first sworn, shall proceed to John Richards', on Triplett creek, in Fleming county, and view a way from thence to Louisa, in Lawrence county, taking the most direct route that is practicable to make a good road, to and from the above points; and when they are satisfied as to the best route for a road to and from the points above mentioned, that they cause the route, selected by them, to be so marked and identified, that there will be no difficulty in finding and pursuing the same; and shall make a report, in writing, to the County Courts of Fleming, Carter, and Lawrence, designating therein fully and explicitly the route and ground over which the proposed road shall pass. That upon the reception of the before mentioned report by the said County Courts, the route therein designated shall be and the same is hereby established a State Road; and it shall be the duty of said County Courts to lay off said road into convenient precincts, and appoint a Surveyor and allot hands to each, to clear and improve said road, within the bounds of their respective counties, directing that said Surveyors shall cause said road to be cleared out at least thirty feet wide, and the stumps in the same cut low and rounded at the top; the banks of creeks and branches graded, where it shall be needed; where it shall be necessary, the sideling places

The manner in
which road to
be opened.

shall also be graded, and the marshy places cause-wayed or thrown up and improved; and bridges to be made where necessary, so as to admit of a safe and convenient passage for all kinds of carriages. That it shall be the duty of the commissioners, in their report, to state whose land the road, as viewed and marked, passes over, and also to state who objects to the road passing over their lands; and where objection is made, the Court of the county in which the land lies, shall cause a writ, and jury, as required by the law in relation to opening roads in this Commonwealth.—The commissioners shall, for their services, be allowed one dollar each per day for the time they are engaged, to be paid by the counties above named, each county to pay one third of the claim of the commissioners.

1850.

Owners lands
may have writ
ad quod dam-
num.

Pay to Com'rs.

Approved March 7, 1850.

CHAPTER 536.

AN ACT to incorporate the Shelbyville and Taylorsville Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to incorporate a company to turnpike a road from Shelbyville, Shelby county, to Taylorsville, in Spencer county, approved February 20, 1826, be and the same is hereby revived and declared to be in full force and effect.

Former act re-
vived.

SEC. 2. That Samuel Shannon, John P. Allen, Isaac Newman, John Ford, John Younger, Joseph F. Allen, and Alfred Zearing, be and are hereby constituted the Board of Internal Improvement, authorized by said act, and are hereby vested with all the powers, privileges, and emoluments, &c., and subjected to all the restrictions and duties conferred and imposed by said act upon the board thereby constituted.

Board appoint-
ed.

SEC. 3. That said board shall lay out and grade at least twenty feet in width, whenever the ground, in the opinion of the board, will admit thereof, which at no part shall be greater elevation than four degrees.

Width.

SEC. 4. That when said board shall have completed any part of said road, not less than two and one half miles, they shall notify the County Court for Shelby county thereof, and said court shall, thereupon, nominate three judicious persons to examine the same, and report to said court whether said road is, so far, made in conformity with the requisitions of said act; and if their report shall be in the affirmative, then said court shall, by license under the hand and seal of said court, permit said board to erect so many gates upon and across said road as will be necessary and sufficient to collect the tolls and duties thereafter granted to said corporation, from all persons traveling on the same:

When & how
toll gates may
be erected.

1850. *Provided*, that said board shall not erect a gate within less than one mile of Shelbyville.

Report to C'ty Court. SEC. 5. That the report required of said board, by the fourteenth section of said act, shall be made annually to the County Court of Shelby county, and not to the Legislature as therein required.

Board to be elected. SEC. 6. That the said board shall, in the year one thousand eight hundred and fifty one, fix on a day and place for the election of their successors in office, which shall take place in the same month every year thereafter.

Votes on stock. SEC. 7. That the number of votes to which each stockholder shall be entitled, according to the number of shares he shall hold, free from all arrears or calls unpaid, shall be one vote for each share.

Repealing clause. SEC. 8. That so much of said original act, hereby revived, as is inconsistent with the provisions hereof, be and the same is hereby repealed and declared void.

Approved March 7, 1850.

CHAPTER 537.

AN ACT for the benefit of Nelson T. Asbury, and others.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the guardian of the infant heirs of Nelson T. Asbury is hereby authorized to file a petition in the Mason Circuit Court, setting forth the necessity of the sale of the interest of said infants in a certain tract of land, situate in the said county of Mason, (the same they inherited from their grand father, Saml. P. Allen,) and containing about eighty four acres; and if it shall appear to the satisfaction of said Chancellor, from the petition and proof, that it would redound to the interest of said infants that a sale should be made of their interest in said tract of land, then it shall be lawful for said chancellor to decree a sale of the same, upon such conditions and times as may seem proper to the Chancellor of said Court, requiring such bond or bonds as is now required by existing laws authorizing the sale of infants' real estate: *Provided*, that the adult heirs may also join in said petition.

SEC. 2. *Be it further enacted*, That the Judge of the Todd Circuit Court may render a decree in chancery for the sale of a negro man named Cary, belonging to the estate of W. A. Garth, deceased, upon petition being filed in said court, by the administrator and administratrix of said decedent, praying a decree for said sale. The Court being satisfied that it will be advantageous to the heirs of said Garth to have said slave sold, may make such further order or orders for the safe keeping and profitable investment of the proceeds of the sale of said slave.

SEC. 3. *Be it further enacted*, That the provisions of this

act shall be applicable to the case of the heirs of William Huston, of Muhlenburg county, and the Chancellor of said Muhlenburg Circuit shall be governed, in any decree he may give, by the provisions of this act.

1850.

SEC. 4. *Be it further enacted*, That it shall be lawful for James Whitlock, of Green county, to file a bill in chancery in the Green Circuit Court, praying a decree for the sale of certain slaves willed to him in trust for Ben. R. Whitlock, and his wife and children; and said court may decree a sale of said slave or slaves, upon satisfactory proof being made that it will promote the interest of the said B. R. Whitlock, his wife and children, and may decree a re-investment of the proceeds of said sale, or a part thereof, in other slaves or land; or make such other disposition thereof as to him may seem best, with regard to the interest of said Ben. R., and his wife and children, taking such bond or bonds from said Trustee as will secure the interest of said Benjamin, his wife and children.

Approved March 7, 1850.

CHAPTER 539.

AN ACT to incorporate the Oregon Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and the same is hereby formed, for the purpose of constructing a turnpike road from Oregon, on the Kentucky river, in the county of Mercer, to intersect the Franklin and Crab Orchard Turnpike Road near the first toll gate on said road from Salvisa to Harrodsburg.

Object.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall not exceed fifteen thousand dollars; or when the said road is completed, if found to be a less sum than fifteen thousand dollars, the capital stock shall be whatever amount it may cost to construct said road. Said stock shall be divided into shares of twenty five dollars each.

Capital stock.

SEC. 3. That the book for subscription of stock in said company shall be opened on or before the first Monday in April next, at Harrodsburg and Oregon; under the direction of Samuel Daviess, Stephen Stone, and Robert Forsyth, at Harrodsburg, and John Cardwell, A. M. Vanarsdale, and Andrew Forsyth, at Oregon. The commissioners named at each of the above places shall procure one or more books, and in each of them the subscribers shall sign the following obligation: "We, whose names are hereunto subscribed, do bind ourselves to pay to the President, Directors and Company of the Oregon Turnpike Road Company the sum of twenty five dollars for each share of stock set opposite our names, at such times, and in such proportions, as may be required by the President and Directors of said company."

Com'ts to open books.

Obligation to be given.

1850.

Meeting to
elect officers.

SEC. 4. When six thousand dollars of the capital stock shall be subscribed for, the commissioners, any two of whom may act, shall call a meeting of the stockholders, at such time and place as they may think proper to designate, by giving ten days notice thereof by publication in writing, in the most public places in Harrodsburg and Oregon, for the purpose of electing a President and four Directors, a Treasurer, and such other officers as may be deemed necessary to conduct the business of said road for one year. Each stockholder shall be entitled to one vote for each share by him subscribed, and may vote in person, or by proxy in writing.

President, &c.
to take oath.Record to be
kept.

SEC. 5. The President and Directors elected shall, before they enter upon the discharge of their duties, take an oath, before some Justice of the Peace, faithfully, to the best of their ability, to perform the duties of their offices; they shall keep a record of their proceedings, to be kept in a book to be provided for that purpose, which shall be subject, at all times, to inspection by any of the stockholders.

Treasurer to
give bond.

SEC. 6. The President and Directors shall have power to require and take from the Treasurer, and other officers elected, bonds, with security, in such penalty and with such conditions as they may deem proper to prescribe by their by-laws.

By-laws may
be enacted.

SEC. 7. That the said President and Directors shall have power to adopt and put into execution all such by-laws, rules, and regulations, as they may deem necessary and proper for enabling them to construct, control, and manage the road contemplated to be constructed under the provisions of this act.

Location of
road.

SEC. 8. The said road shall be located on the most practicable route from Oregon near to the first toll gate on the Franklin and Crab Orchard Turnpike Road from Salvisa to Harrodsburg. It shall be at least thirty feet in width, and not less than twelve feet of that width graded and covered with gravel or stone.

Corporate
powers.

SEC. 9. That the President and Directors of said road, and their successors, shall be and are hereby created a body politic and corporate, by the name and style of the Oregon Turnpike Road Company, with power to increase or diminish the amount of their capital stock; to purchase, take, and hold real estate, to such extent as may be deemed necessary and proper for the erection of toll houses and dwelling houses for gate keepers.

Brooksville &
the Rockspring
turnpike charter
adopted.

SEC. 10. That the several provisions of the tenth and eleventh sections of an act, entitled, an act to incorporate the Brooksville and Rock Spring Turnpike Road, approved February 28th, 1849, are hereby adopted and re-enacted as part of this act, and shall apply to and govern the company hereby created, so far as the same are applicable, and are not inconsistent with the object of this act.

SEC. 11. That when said road is completed, a toll gate may be erected thereon, and said company shall have power to charge and collect toll thereon, but shall not charge more than the rates of toll charged on the Franklin and Crab Orchard road. And power is hereby reserved to the Legislature to alter, amend, or repeal this act.

1850.

Toll gate.

Approved March 7, 1850.

CHAPTER 540.

AN ACT to incorporate the Kentucky Farmers' Mutual Life and Fire Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That George W. Meriwether, Isaac Everett, Joshua B. Bowles, Coleman Daniel, H. T. Curd, Benjamin J. Adams, Jas. Anderson, Jr., William H. Pope, J. B. O'Banon, James Brown, Robert Tyler, James W. Henning, John Barbee, J. H. Rhorer, Virgil McKnight, Jno. Herr, Jr., David Meriwether, Robert N. Miller, Joshua F. Speed, Wm. P. Thomasson, and Edward D. Hobbs, and their associates, and all such persons as shall hereafter have property insured by the said company, shall be and are hereby created a body politic and corporate, in fact and in name, by the name of the "Kentucky Farmers' Mutual Life and Fire Insurance Company," with all the powers incident to such corporations, of suing and being sued, contracting and being contracted with, &c.

Corporators' names and corporate powers.

Name & style.

SEC. 2. The said corporation, hereby created, shall have power and authority to make contracts of insurance with any person or persons, or any body politic or corporate, situated or resident in the State of Kentucky, against losses by fire, of any houses, stores, or other buildings whatsoever, and of any goods, chattels, or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and such modifications and restrictions, as may be agreed on between the said corporation and the person or persons agreeing with them for such insurance; and likewise, shall have the power to contract with any person or persons for life insurance, on the principles usual and customary in the charters and by-laws of other mutual life insurance companies.

Powers.

SEC. 3. All such persons as shall, at any time, insure in or with the said corporation, shall be deemed and taken as members of said corporation, during the period they shall remain insured by the said corporation, and no longer; and the property and concerns of said corporation shall be managed and conducted by seven Directors, to be chosen by ballot from and among the foregoing named individuals, who shall continue in office for such period as they shall determine on and fix by their by-laws: *Provided however,*

Who are to be deemed members.

Affairs, how managed, &c.

1850.

that there shall, in all cases, be an election for **Directors** once in each year, at such time and place in the city of Louisville as the Directors, in their said by-laws, shall direct and appoint; of all which elections public notice shall be given in at least two of the newspapers printed and published in said city, by publication for at least ten successive days, which publication shall begin at least thirty days previous to any such election; and such elections shall be held and managed by three members, not being Directors, to be appointed previous to every election, by the Board of Directors; and such elections shall be by ballot, and by a plurality of the members then present, or their proxies.

President, &c.,
to be elected.

Vacancies, &
how filled.

Corporation
not to be dis-
solved, when no
election is had.

Policies, how
binding.

SEC. 4. The Directors hereinbefore named shall, as soon as may be after the passage of this act, and the Directors to be chosen at such annual elections, shall, as soon as may be thereafter, proceed to choose out of their body one person to be President; and in case of the death, resignation, or inability to serve, of the President or any Director of said corporation, such vacancy may be filled for the remainder of the year by the Board of Directors; and in case of the absence of the President, the Board of Directors shall have power to appoint a President *pra tempore*, who shall have and exercise such powers and functions as the by-laws of said corporation may provide.

SEC. 5. If it shall, at any time, happen that an election of Directors shall not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election of Directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

SEC. 6. The policies of insurance, and other contracts founded thereon, hereafter to be made or entered into by the said corporation, though not under the seal, if subscribed by the President, or in case of his absence, resignation, or inability to act, by such officer or officers, person or persons, as may be, for that purpose, authorized by the act of incorporation, or the by-laws of said corporation, and countersigned by the Secretary, shall be binding and obligatory upon the said corporation, and shall have the like force and effect, to all intents and purposes, as if the seal of said corporation had been or was affixed thereto; and further, all such contracts and policies may be so signed and attested; and all other business of the said corporation may be conducted and carried on by committees, or otherwise, without the presence of a Board of Directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of the said corporation.

SEC. 7. In case any person or persons insured, named in any policy or contract of insurance, made by the corporation hereby created, shall sell and convey or assign the subject insured, during the period of time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers such policy or contract of insurance; and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his, her, or their own names: *Provided*, that before any loss happens, he, she, or they, shall obtain the consent, in writing, of the said corporation, to such assignment, and have the same endorsed or annexed to the said policy of insurance.

1850.

Policies may be assigned to persons buying property insured.

SEC. 8. It shall and may be lawful for the said corporation to take and hold any real estate, mortgaged to said corporation, by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the said mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is or shall be authorized to do; and also to purchase, on sales made by virtue of any proceeding at law, or any order or decree of any court, or equity, or any other legal proceedings, or otherwise, to receive and take any real estate in payment or towards the satisfaction of any debt previously contracted, and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

May take and hold real estate, &c.

SEC. 9. The said Directors and such others as may be chosen by the said corporation, shall be indemnified and saved harmless, by the members of said corporation, in proportion to the amount of property that each and every member may have insured, at and after the rates of insurance of such property, by the said corporation, in and for their giving out and signing policies of insurance, and all other lawful acts, deeds, and transactions, done and performed in pursuance of this act; and neither of the said Directors shall be answerable for, or charged with, the defaults, neglects, or misdeeds of others of them.

Directors, &c. to be saved harmless by corporation, &c.

SEC. 10. Every member of said company shall be and hereby is bound to pay his proportion of the losses and expenses accruing in and to said company; and all buildings insured by said company, together with the right, title, and interest of the assured to the lands on which they stand, shall and hereby are pledged to said company; and said company shall have a lien thereon against the assured during the continuance of his, her, or their policy; the lien to take effect whenever the said company shall cause to be filed in the office of the County Court Clerk of the county where the property is insured, a memorandum of the

Every member to pay his proportion of the losses.

To have lien on property insured.

1850.

name of the individual insured, and a description of the property; the said lien in no case to exceed the sum of one hundred dollars.

Funds not to
be used in traf-
fic, &c.

Sec. 11. It shall not be lawful for the said corporation to deal or use, or employ, any part of the funds or money thereof, in buying or selling any goods, wares, or merchandise, in the way of traffic, or in any banking operations, or in the purchase or sale of any stock or funded debt of the United States, or of any particular State; but it shall, nevertheless, be lawful for the said corporation to purchase or hold any such stock or funded debt, for the purpose of investing therein any part of their funds or moneys; and also to sell and transfer the same, and again to renew such investment, when and as often as a due regard to the interests of the said corporation shall require; and also to make loans of the funds, and the same to call in and re-loan on occasion may render expedient.

Certificate of
Sec'y to be taken
as evidence
in court.

Sec. 12. Whenever any assessment is made on any premium note given to said company, for any hazard taken by them, or as consideration for any policy of insurance issued, or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the Secretary of said company, specifying such assessment, and the amount due to said company, on such note, by means thereof, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.

Votes, how
regulated.

Sec. 13. Every member of said company shall be entitled to one vote for every hundred dollars each member shall have insured in said company, and may vote in person or by proxy, at his pleasure, at any election for Directors of said company; and such membership shall be ascertained by the records and entries in the office of the Secretary of said company; and no oath shall be administered to any member offering to vote in person, or required to be attached to his appointment when offering to vote by proxy.

Sec'y may ap-
point a deputy.

Sec. 14. Any act or thing by this act authorized or required to be done by the Secretary of said company, may be done by the deputy of such Secretary having charge of the office, with the consent of the Board of Directors, with the like effect, to all intents and purposes, as if done by said Secretary.

May establish
agencies.

Sec. 15. Said company shall have power to establish agencies at such places as the President and Directors thereof shall, from time to time, choose; and the same to discontinue at pleasure; and said company shall not pay to the city of Louisville, or other city or town in which they may so establish an agency, any tax, except where they may insure property situated in such town or city.

Approved March 7, 1850.

CHAPTER 541.

1850.

AN ACT authorizing the County Courts of Nelson and Washington to build a bridge across Chaplin river, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Courts of Nelson and Washington, at their respective April, May, or June terms, shall appoint, each, three Commissioners, who shall, jointly, inquire into the necessity of building a Bridge over Chaplin River, at or near Beauchamp's old mill, and shall enquire into the probable costs of said bridge, and shall report the same, together with a plan for said bridge, to their respective Courts. If said Courts (a majority of the justices of each Court being present and concurring therein,) shall be of opinion that said bridge should be built, they shall order the commissioners to let the same out to the lowest bidder, taking from the said undertaker bond, with good security, and sufficient penalty, payable to the Commonwealth, and conditioned faithfully to comply with the said undertaking, and to complete the building of said bridge within such time as said courts may designate, and with such conditions as the Courts may direct. That the said commissioners shall hold the said bond, and suit may be brought on the same for any breach thereof. That so soon as the said commissioners shall let out the building of said bridge, they shall report the same to their respective County Courts, who shall (a majority of the justices of each being present and concurring therein,) proceed to lay a tax of not more than two cents, in any one year, on each one hundred dollars' worth of property and effects subject to taxation for State purposes, and the sheriffs of said counties shall collect said tax in the same manner that State tax is now collected.

Sec. 2. That after the said bridge is built, it shall be the duty of the respective County Courts of Washington and Nelson, to keep the same in good repair.

Approved March 7, 1850.

CHAPTER 542.

AN ACT for the benefit of the heirs of Reuben T. Thompson's wife.

Whereas, the wife of Reuben T. Thompson, of Greenup county, departed this life possessed of a tract of land containing two hundred and seventy five acres, situated in said county; and it is believed by the friends of the infant children, that a sale of said land will redound to the interest of the heirs interested. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the guardian or guardians of the infant heirs of the wife of said Reuben T. Thompson, be and the same are authorized to file their bill in chancery in the Greenup Circuit Court, praying a decree for the sale of

1850.

said land; and should it appear to said court that a sale of said land will redound to the interest of the parties concerned, a decree shall be rendered for the sale thereof, or so much as said court may deem expedient, subject to the same rules and regulations as in other cases of sales under decrees in chancery.

Approved March 7, 1850.

CHAPTER 543.

AN ACT for the benefit of George B. Kinkead.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be directed to take no legal steps to recover of George B. Kinkead any money he may have drawn from the Treasury, on account of his salary while acting as Secretary of State during the fall and winter of the years 1846-7.

Approved March 7, 1850.

CHAPTER 546.

AN ACT charter the Bardstown and Louisville Railroad Company.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Speed, James Guthrie, C. Daniel, A. Throckmorton, Chap. Coleman, R. Tyler, G. W. Weissinger, J. Rudd, W. E. Glover, and Curran Pope, of the city of Louisville; Isaac Everett, Daniel Doop, Philip Speed, R. Ayres, and Hamilton Smith, of Jefferson county; N. C. Summers, R. H. Field, H. F. Kalfus, S. McKay, H. C. Thomas, C. Quiry, W. B. Hamilton, C. Hall, and N. P. Sanders, of Bullitt county; Joseph Brown, C. P. Mattingly, J. Wood Wilson, J. M. Doom, E. B. Smith, D. S. Howel, W. Johnson, and John H. Talbott, of Nelson county, be and they are hereby appointed Commissioners, under the direction of whom, or any three of them, in each of said counties and city aforesaid, subscriptions may be received to the capital stock of the Bardstown and Louisville Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such time, and may adjourn to such places, as they may deem expedient; and if such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said Commissioners, or a majority of them, may cause the said books to be opened and kept open, from

Com'rs names.

Books, when
and where open-
ed.

time to time, and at such places as may seem expedient, for the space of two years thereafter, or until the sum necessary for the incorporation shall be subscribed: *Provided*, that any subscription, tendered at any time or place other than that advertised by said Commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the time or place advertised; and if any of said Commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved on them by this act, another may be appointed in his stead by the remaining Commissioners, or a majority of them, of the county for which the said Commissioners, so not acting, was appointed a Commissioner.

1850.

SEC. 2. *Be it further enacted*, That the capital stock of said Bardstown and Louisville Railroad Company shall be one million of dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation; and as soon as five hundred shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company, by the name of the Bardstown and Louisville Railroad Company, and, by that name, shall be capable of purchasing, holding, selling, leasing, and conveying, real estate, not exceeding ten thousand acres, and personal and mixed estate, so far as the same shall be necessary for the purposes of their incorporation, and no farther; and shall have perpetual succession, and, by said corporate name, shall sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do.

Capital stock,
and how divided.

Name & style.

SEC. 3. *Be it further enacted*, That if more than ten thousand shares shall be subscribed to the capital stock of said company, the said Commissioners, or a majority of them, shall reduce, by striking off in succession from the largest number of shares, subscribed by single individuals or corporations, until the subscriptions shall be reduced to thirty thousand shares, so as to equalize the stockholders, as far as may be.

Over-subscription of stock to be reduced.

SEC. 4. *Be it further enacted*, That at every subscription of stock, there shall be paid, at the time of subscribing; to the said Commissioners, or their agents appointed to receive such subscriptions, either in money or a note, negotiable and payable at some Bank in the State, as said Commissioners may elect, at sixty days date, or longer, at the option of the Commissioners or their agents, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times, as may be required by the Board of Directors of said company: *Provided*, that no payment shall be demanded until at

Payments to be made on stock when subscribed.

1850.

Calls on stock,
notice to be giv-
en.

May borrow
money, &c.

least thirty days' public notice of such demand shall have been given by said Board of Directors, by a publication in one or more of the newspapers published in Louisville and Bardstown; nor shall more than twenty five per cent. of each share of stock be called for in any one year; but if the exigences of the company should require the payments of the stock to be made more rapidly than is provided for herein, or should the Board of Directors, or a majority of the whole number elected, consider it expedient, it shall be lawful for them to borrow, on the credit of said company, a sum of money not exceeding one hundred thousand dollars; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, the same may be recovered by action, in the name of said corporation, against such defaulting subscriber, before any tribunal having jurisdiction of such cases; and in all such actions, publications, as directed in this section, shall be the only demand necessary to be proved; or, in case such failure or neglect to pay any instalment or part of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days next after the time the same shall be due and payable, the Board of Directors may, in their discretion, order that the same shall be forfeited to the company, and they may, also, sell it for the benefit of the company, if they think proper; but the said Board of Directors, by a majority of the whole board, may remit any such forfeiture, on such terms as they may think proper: *And, provided further*, that it shall be lawful to receive subscriptions to the capital stock of this company, payable in contracts, well secured, to build such parts of the road, or to perform such work in the construction thereof, as may be accepted by the company.

If stock not
subscribed in 10
years, charter
void.

SEC. 5. *Be it further enacted*, That if the subscription, herein made necessary to the incorporation of said company, shall not be obtained within ten years after the first opening of the books by the Commissioners under this act, then this act, and all the subscriptions under it, shall be null and void; and said Commissioners shall, after discharging the expenses of opening the books, return the residue of the money, paid in upon the subscriptions, to the several subscribers, in proportion to the sums respectively paid by each.

Meeting of
stockholders to
be called and
officers elected.

SEC. 6. *Be it further enacted*, That, at the expiration of the period for which the books are first opened, if five hundred shares of the capital stock shall have been subscribed, or, if not, as soon thereafter as the same shall be subscribed, if within ten years after the first opening of said books, said Commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty

1850.

days' public notice thereof in some one or more of the newspapers published in Louisville and Bardstown; and at such meeting, said Commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them, then present, shall have the power to elect, from among the stockholders, seven Directors, by ballot, to manage the affairs of said company; and these seven Directors, or a majority of them, shall have the power to elect a President of said company, either from among the Directors or any other stockholder, and of allowing such compensation for his services as they may think proper; and in such election, and on all other occasions wherein a vote of the stockholders of said company is to be taken, each stockholders shall be allowed one vote for every share owned by it, him or her; and every stockholder may, in writing, depute any other person to vote and act as its, his or her proxy; and the Commissioners aforesaid, or any three or more of them, shall be the judges of said first election of Directors.

Sec. 7. *Be it further enacted*, That, to continue the succession of the President and Directors of said company, seven Directors shall be chosen annually on the first Monday in June, every year, at such place as the President and Directors may designate, by the stockholders of said company: *Provided*, that after the first election, the said President and Directors may change the time and place of holding all subsequent elections, upon publishing such change not less than thirty days prior to the election, in the papers aforesaid; and that the Directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a President of said company, either from among the Directors or any other stockholder, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur, by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacancy for the year shall be appointed by the President and Directors of said company, or a majority of them; and that the President and Directors of the company shall hold and exercise their offices until a new election of President and Directors; and that all elections which are, by this act or by the by-laws of said company, to be made at a particular time, if not made at such time, may be made in thirty days thereafter, upon notice publicly given.

Annual elections of Directors to be held.

Sec. 8. *Be it further enacted*, That a general meeting of the stockholders of said company may be called, at any time during the interval between the annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' notice of the

General meeting of stockholders may be called.

1850.

time and place of holding the same, in one or more newspapers published in Louisville and Bardstown; and when any such meetings are called by the stockholders, such notice shall specify the object of the call; and if, at any such called meetings, a majority, in value, of the stockholders are not present, in person or by proxy, the same shall be adjourned, from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders, having a majority, in value, of the stock subscribed, do not attend, such meeting shall be dissolved.

Annual reports
to be made by
President and
Directors.

SEC. 9. *Be it further enacted*, That, at the regular annual meeting of the stockholders of said company, it shall be the duty of the President and Directors in office for the preceding year to exhibit a clear and distinct account of the affairs of the company; that at any called meeting of the stockholders, a majority, in value, of the holders of the stock subscribed being present, may demand and require similar statements from the President and Directors, whose duty it shall be to furnish them, when thus required; and that at all general meetings of the stockholders in said company, a majority of them, in value, may remove from office the President or any of the Directors, and fill up the vacancies, thus made, in the same manner that they could do at their stated annual meetings.

President and
Directors
to
take oath

SEC. 10. *Be it further enacted*, That the President and Directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said President and Directors, or a majority of them, or a majority, in value, of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or appoint a Treasurer of said company, and to require and take of him such bond, in such penalty, and with such securities, as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all such moneys as may come to his hands, and with such other conditions as may be prescribed; upon which said bond recovery may be had, for a breach of the conditions thereof, by suit, in the name of said company, in any court having jurisdiction thereof.

Treasurer ap-
pointed, to give
bond.

May re-open
books for sub-
scription.

SEC. 11. *Be it further enacted*, That if any of the stock created by this act shall remain unsubscribed until after the election of the President and Directors, as provided for in the sixth section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock which may remain untaken or unsubscribed for, or to sell or dispose of such untaken stock, for the benefit of the company, not under its par value; and the subscribers or purcha-

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ners of said stock shall have all the rights of original subscribers, and subject to the same regulations.

1860.

SEC. 12. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, agents, or servants, as they may deem expedient for the business of the company, and they may remove any of them at pleasure; that they, or a majority of them, may determine, by contract, the pay of such officers, agents and servants, and regulate, by by-laws, the manner of adjusting all accounts against the company; that they shall have power to erect ware-houses, work-shops, depots, and all other buildings necessary for the transaction of the business of the company; that they shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred; and to pass all by-laws which they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act: *Provided*, the same shall not be contrary to the laws of the United States or of this State.

President and Directors to appoint all necessary officers, prescribe their duties, &c.

SEC. 13. *Be it further enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said company, or a majority of them, to increase the same, by the addition of as many shares as they may deem necessary, not exceeding one hundred thousand dollars, giving notice as hereinbefore prescribed.

Capital stock may be increased

SEC. 14. *Be it further enacted*, That the President and Directors of said company are hereby vested with all powers and rights necessary to the construction of a railroad from Bardstown to the city of Louisville, the route, to be by them selected and determined, not exceeding sixty six feet wide, with as many sets of tracks as they may deem necessary; and that they may cause to be made contracts with others for making said railroad, or any parts of it; and that they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate, any land which may be wanted for the site of said road, or the erection of ware-houses or other structures or works necessary to said road and its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances; and they may build bridges, and construct tunnels: *Provided*, the same do not obstruct the navigation on navigable streams; may fix scales and weights, lay rails, take and use any earth, timber, gravel, stone, or other material, which may be useful or necessary for the proper construction, completion, or repair of said road.

General powers & privileges.

SEC. 15. *Be it further enacted*, That the President and Directors of said company, or a majority of them, or their authorized agents, may agree with the owner of any land,

May agree with owners of land for right of way &c.

1850.

How land &
materials may
be condemned.

earth, timber, or stone, or any other materials, or any improvements, which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert* under age, *non compos mentis*, or out of the county in which the property wanted may lie, where such land or materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant, under his hand, directed to the Sheriff of such county, requiring him to summon a jury of twenty inhabitants, not related, or in any wise interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said Sheriff shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, or, if not present by agent or otherwise, the Sheriff then for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation, that he will justly and impartially fix the damages which the owner or owners shall sustain by the use and occupation of the said property, required by the company; and the said jury, in estimating such damages, shall take into consideration the benefits resulting to the owner, from conducting said road by, through, or near, the property of said owners, but only in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the Sheriff to the Clerk of his county, and by such Clerk shall be filed in his office, and shall be confirmed by the Court of said county, at its next session, if no sufficient cause to the contrary be shown; and, when so confirmed, shall be recorded by said Clerk, at the expense of said company; but, if set aside, the Court may direct another inquisition to be taken, in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or his, her or their legal representatives, or to the Clerk of the county in which said inquest is held, for their use, when said owners, &c., do not reside in said county, shall entitle said company to the estate, and interest in the same, thus valued, as fully as if it had been conveyed to it by the owner or owners of the same: and the valuation of the same, if not received when tendered, may, at any time thereafter, be received from the company,

without costs, by the owner or owners, his or their legal representatives or heirs.

Sec. 16. *Be it further enacted*, That whenever, in the construction of said road or roads, it shall be necessary to intersect any other established road or way, it shall be the duty of said President and Directors so to construct said road across such road or way as not to impede the passage of persons or property along the same; or where it shall be necessary to pass through the land of any person, it shall, also, be their duty to provide for such person proper wagon ways across said railroad, from one part of the land to the other; and if said company shall fail to provide proper wagon ways across said road, as provided in this section, it shall be lawful for any person to sue said company, and be entitled to such damages as a jury may think him or her entitled to, for such neglect.

1850.

Shall construct road so as not to obstruct other roads, &c.

Wagon ways to be provided for owners of land.

Sec. 17. *Be it further enacted*, That whenever it shall be necessary for said company to have, use, or occupy, any land, materials, or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the President and Directors of said company, or their agents, or those contracting with them for working or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, (formed in the manner herein before prescribed in those cases where the property is to be changed or altered, by admixture with other substances, before such alteration is made;) and that it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation, or the payment of said valuation.

May take and use land & materials, having them valued.

Sec. 18. *Be it further enacted*, That the said President and Directors shall have power to purchase, with the funds of said company, and place on any railroads constructed by them, under this act, all machines, wagons, vehicles, or carriages of any kind, which they may deem proper, for the purposes of transportation on said road; and that they shall have the power to charge, for tolls, and the transportation of persons, merchandise, and property of any kind whatever, transported along said railway, any sum not exceeding the following rates, to-wit: on all goods, merchandise, or property, for every one hundred pounds transported over twenty miles and under fifty miles, three and a half mills for each mile; and for persons, and every species of live stock, and every other description of freight and property, they shall charge no greater rate than is authorized to be charged on the railway from Lexington to Frankfort;

May buy or construct cars, wagons, &c.

1850.

Should a differ-
ent com. con-
struct continu-
ous line from
Louisville to
Tennessee line,
they may avail
themselves of
this charter.

that it shall not be lawful for any other company, or any other person or persons, to travel upon or use any of the roads of said company, or to transport persons or property thereon, without the license and permission of the President and Directors thereof; and that the said road or roads, with all their works, improvements, or profits, and all the carriages, vehicles, and machinery for transportation, used therein, and all other species of property thereunto belonging, are hereby vested in said company, incorporated by this act, and their successors, forever; and shall never be taxed beyond the rate of tax imposed upon real estate, estimated upon the prime cost of the proposed works: *Provided*, That should any railroad company undertake to construct a continuous railroad from the city of Louisville to the Tennessee line, in the direction to Nashville, within two years from the time that this company shall be fully organized, such company may elect to take the benefits of this charter, together with the road, works, machinery, &c., in any wise pertaining to the same, by transferring to the owners of stock in this road company an amount [of] its road [stock equal] to the amount of the prime costs of all the expenditures of this company on its road, &c., up to the time of making said election: *And, provided further*, that this Company shall have the power to construct its road, so as to intersect any railroad leading to the city of Louisville, or the Tennessee line, at such point as it may deem proper, and contract with the proprietors of such road for transporting freight and passengers on their road.

Sec. 19. *Be it further enacted*, That the said President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper, of the net profits arising from the resources of said company after deducting the necessary current and probable contingent expenses; and that they shall divide the same among the stockholders of said company, in proportion to their respective shares.

Penalty for in-
jury to road, &c.

Sec. 20. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of any railroads, or road, constructed for said company, under this act, or any of their works, buildings, carriages, vehicles, or machinery, such person or persons shall, for every such offence, forfeit and pay to the said company a sum not exceeding five hundred dollars, recoverable, in the name of said company, by an action of debt in the Circuit Court of the county wherein such offence shall be committed; and shall, also, be subject to indictment by the Grand Jury of said county, in said court, and, upon conviction of such offence, be imprisoned in the jail thereof, and in the Penitentiary, not less than six months nor more than four years, in the discretion of a jury.

Sec. 21. *Be it further enacted*, That, so soon as the company shall have completed five miles of their route, they may commence and prosecute their business, upon the terms and upon the stipulations herein provided, as though the whole work was completed.

1850.

May commence business when 5 miles are completed.

Sec. 22. *Be it further enacted*, That the corporation of the city of Louisville, and the County Courts of the counties of Jefferson, Nelson, and Bullitt, and of any other counties through which this road may pass, a majority of all the members of the Board of Councilmen of said city, and of the County Courts of said counties, concurring therein, be and they are hereby authorized to subscribe, for and on behalf said city and counties, as many shares in the capital stock of said railroad as to them may seem expedient, and to levy the sum, so subscribed, on the taxable property of said city or counties; and the better to ascertain the public sentiment of said city and counties, in reference to the propriety of said subscriptions of stock, herein authorized, said Board of Councilmen and County Courts are hereby authorized, if by them deemed expedient, in such manner as they may direct and prescribe, to submit the same to a vote of the qualified voters of said city and counties, respectively.

Louisville city and counties of Jefferson, &c., may subscribe stock.

Approved March 7, 1850.

CHAPTER 547.

AN ACT to incorporate the Taylorsville and Perryville Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and the same is hereby incorporated, for the purpose of constructing a turnpike road, upon the McAdams plan, from Taylorsville, in Spencer county, to Perryville, in Boyle county, by the way of Maxville, under the name and style of the President, Directors and Company of the Taylorsville and Perryville Turnpike Road Company.

Object.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of fifty dollars each.

Name & style.

Capital stock.

Sec. 3. That the books, for the subscription of stock in said company, shall be opened on the second Monday of April, 1850: at Taylorsville, under the direction of James Wakefield, Humphrey May, John D. Haddon, and F. B. Mathis; at Bloomfield, under the direction of Samuel Merrifield, Haydon E. Stone, Green Duncan, and Henry Russell; at Chaplin, under the direction of George Harrison, Elisha Murphy, Samuel Raleigh, W. H. Moore, and ——— Neil; at Willisburg, under the direction of Isaac Yocum, Henry Miller, and David Best; at Maxville, under the di-

Com'r's to open books.

1850.

Obligation of
subscribers.Books to be
opened, &c.Meeting held
to elect officers.Corporate
powers, &c.

rection of Samuel Peters, Mountford Peter, John M. Smith, and James Reed; at Perryville, under the direction of John A. Burton, Samuel Crawford, and A. Hulkerson. The commissioners named at each of the above places, shall procure one or more books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Company of the Taylorsville and Perryville Turnpike Company, the sum of fifty dollars for every share of stock, in said company, set opposite our names, in such manner and proportions, and at such times, as shall be determined on by the President and Directors of said Company. Witness our hands this — day of — in the year —." The said commissioners, shall give, in one or more of the public newspapers printed in the city of Louisville, Ky., one monthly notice of the time and place at which books shall be opened to receive subscriptions in stock in said company; at which times and places, one or more of said commissioners shall attend, and permit all persons of lawful age, bodies corporate and politic, who shall offer to subscribe in said books, in their own names, or that of any other who shall duly authorize the same, for any number of shares in the said stock. The said books shall be kept open for the purpose aforesaid, by adjournment from time to time, and from place to place, if necessary, until the whole number of shares shall be subscribed; of which adjournment the said commissioners shall give such notice as the occasion may require: *Provided*, the President and Directors of said company shall not have the power to call in more of said stock than five dollars on each share in any sixty days.

SEC. 4. That whenever eight hundred shares of said stock shall have been taken, the commissioners shall give thirty days' notice, in one or more of the newspapers printed in the city of Louisville, that the number of shares required by the act of incorporation to organize the company have been subscribed, and that an election will be held at Chaplin, to choose, by a majority of the votes of the subscribers, by ballot, to be delivered in person or by proxy authorized, a President and five Directors, a Treasurer, and such other officers as they may think necessary, to conduct the business of said company for one year, or until other such officers shall be elected.

SEC. 5. That when the company shall be thus organized, they shall be and they are hereby declared a body politic and corporate, in deed and in law, by the name, style, and title of the President, Directors and Company of the Taylorsville and Perryville Turnpike Road Company; and by said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of

enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act; and of purchasing, taking, and holding, to them and their successors and assigns, and also of selling, transferring, and conveying, in fee simple, all such lands, tenements, and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works; of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of record, or any other place whatsoever; and, also, to make, have, and use a common seal, and the same to break, and alter, and renew at pleasure; to make all such by-laws and regulations, not inconsistent with the laws and constitution of this Commonwealth, or of the United States, as shall be necessary; and to do all and every matter and thing which a body politic or corporate may lawfully do.

1850.

SEC. 6. That the provisions of an act, entitled, an act to incorporate the Louisville and Taylorsville Turnpike Road Company, approved March 1, 1848, from the sixth to the twelfth sections, inclusive, so far as the same may be applicable to, and not inconsistent with, this act, be and the same are hereby extended to the Taylorsville and Perryville Pike Road Company, incorporated by this act.

The Louisville
& Taylorsville
turnpike char-
ter adopted.

Approved March 7, 1850.

CHAPTER 548.

AN ACT to incorporate the Union Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be and is hereby formed, and created a body politic and corporate, by the name and style of the Union Turnpike Road Company, for the purpose of constructing an artificial road on the McAdam's plan, from some point on the Big Bone and Florence Road, within two miles of the town of Union, thence to pass Union, and unite with the Lexington and Covington Turnpike Road, at such point as the President and Directors of the Union Turnpike Road Company may deem fit.

Name & style.

Object.

SEC. 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty five dollars each.

Capital stock.

SEC. 3. That a book or books may be opened for the subscription of stock in said company—at Union, under the direction of Chasteen Scott, Robert Adams, Jno. C. Riley, Jacob Tanner, and Abraham Stansifer, as commissioners—on the first Saturday in March, 1850, or as soon thereafter as may be convenient, and the commissioners shall di-

Com'rs to open books.

1850.

rect, and they may continue the books open as long as they may think proper.

Obligation of
subscribers.

SEC. 4. The subscribers shall, in the books of the commissions, enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, do; respectively, promise to pay the President, Directors, and Company of the Union Turnpike Road Company, twenty five dollars for each share of stock set opposite to our names, at such times as we may designate, and pay the same in such proportions, and at such times, as the said President and Directors may require, after the same becomes due and payable. Witness our hands, this the — day of —." Which amounts shall be collected in the proper courts.

Meeting to
elect officers.

SEC. 5. So soon as five thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners, named in the 3d section of this act, to give notice in such manner as they may think proper, for a meeting of the stockholders, at such time and place as they may think proper to designate, for the purpose of electing a President and five Directors; and one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are duly elected. The times and places for all elections, after the first, shall be fixed by the President and Directors of said company, for the time being; a majority of the commissioners shall be competent to transact all business.

Corporate
powers.

SEC. 6. So soon as said company is organized, by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name and style of the Union Turnpike Road Company, and by that name and style shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof; and of taking and holding, by purchase or gift, all such lands, tenements, hereditaments, real or personal property, as may be necessary for the prosecution of their works, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity, or elsewhere; also, to have and use a common seal, and generally to do all and every matter or thing which a corporation may lawfully do, to effect the objects for which this corporation is created.

Warsaw turn-
pike charter a-
dopted.

SEC. 7 *Be it further enacted*, That so much of an act, entitled, an act to incorporate the Warsaw Turnpike Road Company, passed and approved February 12th, 1849, as is embraced in sections seven, eight, nine, ten, and eleven, be and the same is hereby re-enacted and adopted as a part of this act, except that part of section nine where the name

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of Gallatin is used, in said section, the name of Boone shall be used in this act: *Provided*, that nothing herein contained shall authorize any subscription of stock upon the part of the State.

1850.

Approved March 7, 1850.

CHAPTER 549.

AN ACT to incorporate the Port Royal and Kentucky River Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be and is hereby incorporated, as a body politic and corporate, by the name and style of the Port Royal and Kentucky River Turnpike Road Company, for the purpose of constructing a turnpike road, on the McAdam's plan, from the southern limits of the town of Port Royal to the Kentucky river, (at or near Lane's landing,) in the county of Henry.

Name & style, object.

SEC. 2. That the capital stock of said company shall be five thousand dollars, to be divided into shares of twenty five dollars each. Subscriptions towards constituting stock in said company shall be opened in Port Royal, on or before the tenth day of March next, and shall be continued open as long as may be deemed proper by the commissioners hereinafter named, or until the entire stock is taken; due notice of the time and place, when and where the same is to be opened, to be first given by advertisement, to be put up in Port Royal, and other public places contiguous thereto.

Capital stock.

Subscriptions of stock.

SEC. 3. That the following named persons shall be and are hereby appointed commissioners: at or near Port Royal, C. T. Johnston, B. J. Bowen, John Chilton, Sr., Charles Humpstead, and Richard Johnston.

Commissioners to open the boom.

SEC. 4. That these commissioners shall procure one or more books, and the subscribers therein shall subscribe an obligation of the following tenor, viz: "We, whose names are hereunto subscribed, do, respectively, promise to pay to the Port Royal and Kentucky River Turnpike Road Company the sum of twenty five dollars for each share of stock set opposite our names, in such proportions, and at such times, as shall be determined on by said corporation. Given under our hands this — day of —."

Obligation of subscribers.

SEC. 5. That, so soon as two thousand dollars of said stock shall be taken, it shall be the duty of said commissioners, or such of them as may act, to give notice of a meeting of the stockholders in said company, in the town of Port Royal, for the purpose of organizing said company by choosing its officers; and in choosing officers, each shareholder shall be entitled to one vote for each share; and the votes may be given in person, or by proxy in writing.

Meeting to elect officers.

1850.

Newtown & Leesburg turnpike charter adopted.

SEC. 6. That the whole width of said road shall be not less than sixteen feet, and the artificial part thereof covered with stone at least ten feet in width.

SEC. 7. That so soon as said company shall be organized, by the election of a President and three Directors, and a Treasurer, the said President and Directors shall possess all the powers, authority, rights, and privileges, and shall and may do and perform the acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the same; and shall be subject to all the duties and qualifications, restrictions, penalties, fines, and forfeitures, if any, that are imposed upon and granted to the Newtown and Leesburg Turnpike Road Company, approved 26th February, 1849.

Toll gate and to Rs.

SEC. 8. That as soon as said road is completed, the President and Directors may erect one toll gate, and appoint one toll gatherer; and it may be lawful for said toll gatherer to collect and receive of each person riding on horseback the sum of two and one half cents; for every horse, mule, or ass, two cents; for every two wheeled pleasure carriage, five cents, exclusive of the beast by which it is drawn, and the person or persons transported in it; for every four wheeled pleasure carriage, five cents, (exclusive as above;) for every cart, five cents; for every four wheeled wagon, or other carriage of burthen, seven and one half cents. And it may be lawful for said gate keeper to stop every person riding, driving, or leading, any horse, mule, or ass, or driving any wagon, cart, or pleasure carriage, upon said road, until they shall have paid tolls as directed above.

Rates toll to be set up.

SEC. 9. That the President and Directors of said company shall cause to be posted, in two conspicuous points on said road, a list or lists of the rates of toll they may lawfully demand.

Certain sections of Danville and Hustonville turnpike charter adopted.

SEC. 10. That sections twenty three, twenty four, twenty five, twenty six, twenty seven, twenty eight, twenty nine, thirty one, thirty two, thirty three, and thirty four, of an act, approved 1st March, 1844, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, be and the same are hereby adopted as a part of this act.

Limitation.

SEC. 11. *Be it further enacted*, That if the construction of the road, provided for by this act, shall not be commenced within one year from the passage hereof, the rights, privileges, immunities, hereby granted, shall be void to all intents and purposes.

Approved March 7, 1850.

CHAPTER 550.

1850.

AN ACT to amend the charter of the Richmond and Lancaster Turnpike Road Company, and the Mount Vernon and Paint Lick Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act, entitled, "an act to incorporate the Paris, Winchester, and North Middletown Turnpike Road Company, and for other purposes," be and the same is hereby so amended as to allow the Commissioners of the Richmond and Lancaster Turnpike Road Company, and the Mount Vernon and Paint Lick Turnpike Road Company, so soon as the sum of five thousand dollars is subscribed to each of said roads, to call a meeting of the stockholders, and organize, according to the provisions of the original charters, approved 25th February, 1848.

May organize when \$5,000 is subscribed.

SEC. 2. That the money subscribed in each of the counties through which said roads pass, shall be expended in the county where the same was subscribed: *Provided however*, that in the county of Madison, said road shall commence at the town of Richmond; in the county of Garrard, at the public square in Lancaster; and in the county of Rockcastle, at the town of Mount Vernon: *And, provided further*, that the commencement of the Mount Vernon and Paint Lick Turnpike Road shall be at some agreed point on the Richmond and Lancaster Turnpike Road, within one mile of Paint Lick Church, in Garrard county; so far as the subscription of stock in said Mount Vernon and Paint Lick Turnpike Road Company, by citizens of Garrard county, is concerned.

Money to be expended in the counties where subscribed, &c.

SEC. 3. That in place of the Commissioners named in the charter of the Richmond and Lancaster Turnpike Road, the following persons are hereby appointed to perform the duties of said act: William Harris, James Blythe, William Moran, J. H. Miller, and Joseph Terry, of Madison county; and Gabriel J. Salter, James Beasley, James H. [Spilman, John W. Walker, Henry T. Terrill, E. D. Kennedy, George Denny, and Alex. R. McKee, of Garrard county.

New Com'rs appointed.

SEC. 4. That in place of the Commissioners named in the charter of the Mount Vernon and Paint Lick Turnpike Road Company, the following persons are hereby appointed to perform the duties required by said act: Jas. Terrill, Wm. B. Moore, and James C. Moore, of Rockcastle county; and John W. Walker, Henry T. Terrill, Josiah Burnside, E. D. Kennedy, David Ross, Wm. Baird, and A. R. McKee, of Garrard county.

New Com'rs appointed.

SEC. 5. That the County Courts of Madison, Garrard, and Rockcastle counties, and the Trustees of the towns of Richmond, Lancaster, and Mount Vernon, for their respective counties and towns, may take and subscribe stock in said road companies; and the said County Courts, and Trustees of the towns aforesaid, may, and they are hereby

County Courts and Trustees of towns may take stock, &c.

1850.

authorized and empowered, respectively, to assess the amounts of the stock, which they may so subscribe, upon all property and estate subject to the payment of State revenue within their respective limits: *Provided*, that any property or estate, within either of said towns, so subject to be taxed by the Trustees of said town, shall be exempt from assessment, to pay the subscription of the County Court.

Approved March 7, 1850.

CHAPTER 551.

AN ACT to incorporate the German Building Society.

Whereas, it is represented that John F. Bart, Otto Scheffer, A. Zimmerman, and J. C. Hoffman, with other associates, are desirous, by joint contributions, to purchase and improve certain lands within the county of Jefferson, including the city of Louisville, so as to furnish to each associate a lot and dwelling at the actual cost thereof, and to avail themselves of the additional value given to the alternate lots by the enhanced value arising from their improvements, and, also, to avail them of the benefit of the full credit of the whole capital of the association; and for that purpose ask an incorporation. Therefore,

Object and
corporate pow-
ers.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That said Bart, Scheffer, Zimmerman, and Hoffman, and their associates, not less than fifty nor more than one hundred, be and they are hereby incorporated, by the name and style of the German Building Association of Louisville, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all the courts of this Commonwealth, and elsewhere; and, generally, to do and perform all things that corporations for limited purposes are authorized by law to do and perform.

May purchase
and hold lots of
lands, and build
houses thereon,
and sell houses
and lots.

SEC. 2. That the corporation shall have the right to purchase and hold any lots and lands, in the city of Louisville and county of Jefferson, not exceeding, in the whole, fifty acres, and the same to divide into streets and lots—those within the city of Louisville in accordance with the laws of said city—and to improve the same with suitable and proper buildings, and to grade and pave the streets, alleys, and side walks, and dig and wall wells and cisterns, at the cost and expense of the corporation, and for that purpose to use the contributions of the corporators, and the rents and profits of the buildings, &c.; also, any and all means borrowed on the credit of the corporation. The corporation may give a lien on all the lots and lands purchased, and on all the alternate lots selected for improvement, for the means borrowed for improving the property; and may

sell and convey the alternate lots selected for improvement, first to pay the original purchase money for the lots and lands, and then to pay the money borrowed and debts contracted for improving the property, and any other debts and liabilities of the corporation.

1850.

SEC. 3. That said Bart, Scheffer, Zimmerman, and Hoffman, and their associates, shall adopt a system of by-laws for the government of the corporation, and then shall open books for the subscription of the stock to the same; and when not less than fifty nor more than one hundred have signed this corporation, and the by-laws so adopted, a meeting shall be called, and a President and six Directors shall be chosen to manage the affairs of the corporation under the charter and by-laws: *Provided*, that the stockholders, at any general meeting, shall have the right to change and alter the by-laws, but no such change shall discharge any subscriber from the contributions he agreed, by his subscription, to make to the corporate funds, and a lien is hereby given upon the stock of each subscriber for the payment of the same.

May pass by laws, &c.

President and Managers to be chosen.

SEC. 4. The President and Directors, after the first election, shall be chosen on the first Monday in May in each year, and until their successors shall be elected and qualified; and the President and Directors shall choose a Treasurer and Secretary. The President and Directors shall cause to be kept a record of all purchases, and contracts, and sales, made by them; and record in their minutes the division of the property purchased by them, and the alternate lots selected for improvement, and all their other acts and proceedings; and each subscriber shall be entitled to one vote in the election of President and Directors, and in all meetings of the stockholders.

President, &c., to be chosen annually.

Treasurer and Secretary to be chosen—record to be kept.

SEC. 5. That no person shall be allowed to become a subscriber without agreeing to pay, at such time as the by-laws shall direct, at least five hundred dollars, in monthly contributions of four dollars; and any subscriber shall have the right to pay up his subscription, at any time, and be entitled to interest on the advance payments.

Terms upon which persons may become subscribers.

SEC. 6. The stock shall be considered personal estate, and transferable in such manner as the by-laws shall direct, on a transfer book to be kept by the corporation.

SEC. 7. That so soon as the lots selected for improvement shall all be improved by suitable dwelling houses, &c., so that there shall be a lot and house for each stockholder, the lots and houses shall be valued and divided amongst the stockholders, by auction, at not less than their valuation, and the alternate lots sold and the debts of the corporation paid, and the corporation closed by a conveyance of the lots and houses to each stockholder. And this corporation shall not extend beyond ten years, without an act of the Legislature to that express purpose. And a court

House & lots may be divided.

1850.

of equity shall have the right to enforce the valuation of the improved lots, and a sale among the stockholders, and a sale of the alternate lots, and the payment of the debts, and a contribution from the improved lots for the payment of the debts; and, in fact, to wind up the corporation upon the principles applicable to joint stock companies; and make the President and Managers liable for fraudulent conduct in relation to the corporate fund and its affairs.

SEC. 8. That the Legislature reserve the right to alter, amend, or repeal this charter at pleasure.

Approved March 7, 1850.

CHAPTER 552.

AN ACT to incorporate the Matheny's Ferry and Salvisa Turnpike Road Company.

Object.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be and the same is hereby formed, for the purpose of making a Turnpike road from McCoun's old Ferry, now Matheny's Ferry, on the Kentucky river, to intersect the Franklin and Crab Orchard Turnpike road, at a point north of Salvisa, in Mercer county, under the name and style of the Matheny's Ferry and Salvisa Turnpike Road Company.

Name & style.

Capital.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be limited to the sum of fifteen thousand dollars, or when said road is completed, if found to be a less sum than fifteen thousand dollars, the capital stock shall be whatever amount it may cost to construct said road, divided into shares of twenty five dollars each.

Com'rs to open books.

SEC. 3. *Be it further enacted*, That books for the subscription of stock in said company shall be opened on or before the first Monday in April, 1850—at Harrodsburg, under the direction of the commissioners hereinafter named, to-wit: Christopher Chinn, John W. Cardwell, and James D. Hardin; and shall by opened in Salvisa, on or before the same period, under the direction of Armstead Downing, F. G. Matheny, Vance Wilson, Philip Kennedy, and P. Hieronemous. Said commissioners shall procure one or more books, at each of said places, and enter in each of them: "We, whose names are hereto subscribed, do promise to pay to the President, Managers, and Company of the Matheny's Ferry and Salvisa Turnpike Road Company, the sum of twenty five dollars, for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times, as shall be determined by the President and Managers of said company. Witness our hands, this — day of — 18—." The commissioners shall give notice, in writing, at Harrodsburg and Salvisa, of the times and places where books will be

Obligation to be given.

opened for the subscription of stock in said company; at which times and places, some one or more of said commissioners shall attend to the receiving of subscriptions, and the said commissioners, or their successors in office, shall have the right to keep open the said books until the whole number of shares are subscribed, or a sufficient amount to construct said road.

1850.

SEC. 4. *Be it further enacted*, That so soon as the commissioners shall have procured subscriptions to the amount of thirty shares, it shall be their duty to give notice thereof to the stockholders, by a written advertisement stuck up in the most public places in Harrodsburg and Salvisa, that on a certain day, therein named, that an election will be held, in the Court House in Harrodsburg, for the election of a President and four Managers, to conduct the business of said company for one year, and until their successors are duly chosen; in which election each stockholder shall have one vote for each share of stock he holds; and said President and Managers shall have power to elect a Treasurer and Secretary, and such other officers as may be necessary to conduct the business of said company; and said President and Managers shall have the power to make such by-laws, orders, and regulations, not inconsistent with the laws of this State, as may be deemed necessary for managing the affairs of said company: *Provided, however*, that the Treasurer, before he enters upon the duties of his office, shall execute bond, with good security, payable to the President and Managers of said company, conditioned for the faithful discharge of the duties of his office.

Meeting to elect officers.

Treasurer to be elected.

By-laws may be enacted.

Treasurer to give bond.

SEC. 5. *Be it further enacted*, That the said President and Managers shall be a body politic and corporate, in deed and in law, and shall be known by the name and style of the President, Managers, and Company of the Matheny's Ferry and Salvisa Road Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding said capital stock, and the increase and profits thereof; and of taking and holding any lands, tenements, and hereditaments, by purchase or otherwise, to themselves and their successors in office, to the use and benefit of said corporation; and shall have power to sell, transfer, and convey, in fee simple, any lands, tenements, or other estate, real or personal, held by said corporation, which shall be necessary in the prosecution and use of said walks; they shall have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended; and also to make, have, and use a common seal, and to alter and renew the same at pleasure; and to do all and every other matter and thing which a body politic may do; and the said President and Managers of said company shall have all the powers, rights, and privileges, which are

1850.

Brooksville &
the Rockspring
turnpike charter
adopted.

When & how
toll gates may
be erected.

Width.

Exemptions
from tolls.

given in the tenth and eleventh sections of an act to incorporate the Brooksville and Rockspring Turnpike Road Company, approved February 28th, 1849; and the several provisions of the said tenth and eleventh sections of said act, are hereby adopted and re-enacted, and shall apply to and govern and control the company hereby created, so far as the same are applicable, and are not inconsistent with the object of this act.

Sec. 6. *Be it further enacted*, That when said road shall be completed, a toll gate shall be erected thereon, and tolls may be charged and collected thereon by said company, as they deem necessary and proper; and the said President and Managers shall be governed, in the location and construction of said road, and in all other things in relation to their duties, by a vote of a majority of the stockholders of said road: *Provided, however*, that said turnpike road shall not be less than thirty feet in width, twenty two feet grade, and fourteen feet metal; and that nothing in this act shall be so construed as to impose toll fees upon the owners of land, through which the said road shall pass, their horses and other stock, carriages or servants, passing on said road from one part of their land to another: *And, provided also*, that veniremen, grand jurors of Mercer county, in their necessary attendance upon Court, and persons attending divine service on the Sabbath day, and persons residing in Mercer county and going to and returning from musters and elections, shall be free from toll.

Sec. 7. *Be it further enacted*, That the Legislature hereby retains the power to alter, amend, or repeal this act.

Approved March 7, 1850.

CHAPTER 554.

AN ACT for the benefit of Wm. Ward, of Calloway county.

Whereas, it is represented to this General Assembly, that William Ward, of Calloway county, entered, in the land district, west of the Tennessee river, the following fractional quarter sections of land, to-wit: the south west quarter of section thirty one, township one, range seven, east; and one, the south east quarter of section thirty, township one, range seven, east, containing, in all, eighty six acres, at a cost of twenty one dollars and fifty cents; and, whereas, said entries were covered by a prior claim of Peter Kemp, which claim is represented as unquestionably valid. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of twenty one dollars and fifty cents, be and the same is hereby appropriated to William Ward, out of any money in the treasury not otherwise ap-

LAWS OF KENTUCKY.

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propriated: *Provided*, that said William Ward hereby relinquish his claim to the aforesaid fractional quarters of land.

1850.

Approved March 7, 1850.

CHAPTER 556.

AN ACT for the benefit of Susan King and Lurana King, of Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on satisfactory proof being made to the Estill Circuit Court, that Susan King and Lurana King are, from mental imbecility incapable of managing their own affairs, it shall and may be lawful for said court, on bill filed by the guardian or committee of them, the said Susan and Lurana, to render a decree for the sale of any real estate belonging to them, situate in the county of Estill; said court being governed, in all respects, in rendering said decree, by the laws now in force in this Commonwealth in regard to the sale of infants' real estate.

Approved March 7, 1850.

CHAPTER 557.

AN ACT to incorporate Mount Vernon Lodge, No. 14, of Ancient Masons.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present members of Mount Vernon Lodge, No. 14, of Ancient Masons, and their successors, be and they are hereby created a body politic and corporate, by the name and style of Mount Vernon Lodge, No. 14, of Ancient Masons; and by that name shall have perpetual succession, and be capable to receive and hold by gift, grant, purchase, or devise, any number of acres of land not exceeding twenty, and any kind and quantity of personal estate, and to sell, exchange, and convey the same at pleasure; to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State; and to have and use a common seal, and the same to renew or alter at pleasure.

Name & style,
powers, &c.

Sec. 2. James H. Daviess, Henry M. Rucker, L. B. Dickerson, James F. Robinson, John L. Branham, Robert W. Keene, and John P. Cullen, are hereby appointed Trustees for said Lodge, who shall hold their office until the 24th of June, 1850, and until their successors be duly elected; and said Lodge may, on the 24th of June, 1850, and on the same day and month in each year thereafter, elect seven of their own body as Trustees, whose term of office shall be one year, and until their successors are elected.

Trustees ap-
pointed.

Annual elec-
tion Trustees

Sec. 3. All the real or personal property now belonging to said Lodge shall, as fully and completely vest in the

1850. Trustees of said Lodge, as if the same had been acquired after the passage of this act.

Record to be kept.

SEC. 4. The Trustees shall keep a record of their proceedings, make rules and by-laws for their own government; and in case of the death or removal of any of the Trustees, the Lodge may elect one or more, as the case may be, to fill the vacancy or vacancies created by such death or removal.

Approved March 7, 1850.

CHAPTER 558.

AN ACT to incorporate the Lexington and Tate's creek Turnpike Road Company.

Authorizing a company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company is hereby formed, for the purpose of making a turnpike road from the city of Lexington to some point on the Kentucky river, in the vicinity of the mouth of Tate's creek.

Capital, and how divided.

SEC. 2. The capital stock of said company shall be forty five thousand dollars, divided into shares of one hundred dollars each; and subscriptions may be taken up by each of the Commissioners hereinafter named, for one year after the passage of this act, unless the whole amount shall be sooner taken up.

Com'rs, their duties.

SEC. 3. The following persons are hereby appointed Commissioners to perform the duties required by this act: John Clark, Asa McConathy, Edwin N. Hart, C. J. Hart, Ellison Arnett, John S. Todhunter, D. P. Carr, Parker E. Todhunter, Robert Simpson, E. S. Broadbuss, Allen Baker, William Atchison, James H. McCampbell, George Need, and Richard Martin.

Books to be procured and obligation to be signed.

SEC. 4. The said Commissioners, or as many of them as may act, shall procure one or more books or subscription papers, in which the persons taking stock shall bind and oblige themselves, in writing, to pay to the "Lexington and Tate's creek Turnpike Road Company," (by which name and style said company shall be known,) the sum of one hundred dollars for each share subscribed for by them, in such proportions, and at such times, as shall be determined by said company or corporation.

Meeting, how and when called.

SEC. 5. As soon as one hundred shares in said company are subscribed for, it shall be the duty of said Commissioners, or as many of them as may act, to give two weeks notice, in some newspaper printed in the city of Lexington, of a meeting of the stockholders, at some convenient place in said city, for the purpose of choosing officers of said company; and in choosing said officers, the stockholders shall vote according to the number of shares they hold respectively, one vote for each share.

SEC. 6. The width of the road shall be not less than thirty nor more than fifty feet; and the artificial part thereof, covered with stone, shall not be less than fourteen feet wide. The elevation of the grade of the road shall be fixed and regulated by the President and Managers of the Company.

1850.

Road, how to be constructed.

SEC. 7. It shall be lawful for the Fayette, Jessamine, and Madison County Courts, the Trustees of any towns, or any corporations created by law, and for all natural persons, to subscribe for and hold shares in the capital stock of said company; and such artificial persons or bodies as may subscribe, shall have the same right to represent their shares, by an agent, that the other stockholders have.

County Courts may subscribe stock.

SEC. 8. So soon as the said company is organized, the President, Managers, and other officers, shall possess all the authority, rights, and privileges, and shall do all the acts and things necessary for carrying on and completing the said Turnpike road, as well as laying out and locating the road; and shall be subject to all the duties, qualifications, restrictions, penalties, pains, and forfeitures, (if any,) and be entitled to like tolls and profits as those given and granted to the Maysville and Lexington Turnpike Road Company; and all the provisions of the act, approved January 22, 1827, incorporating the Maysville and Lexington Turnpike Road Company, are hereby enacted as a part hereof, except so far as provided for in the preceeding part of this act, or may come in collision with the provisions of the same; and, also, so much of the 14th section thereof as requires notice to be given to the Governor, when five miles of said road shall be completed, and a license from him to erect gates, &c., the President and Managers of said road being authorized to perform that duty; and, also, excepting the 27th, 28th, and 29th, sections of that act.

Company, when formed, to be governed partly by provisions of charter Lexington & Maysville turnpike.

SEC. 9. There shall not be more than three gates on said road, and they, or any less number, shall be put up at such convenient places as the President and Managers shall, from time to time, direct.

Toll gates.

Approved March 7, 1850.

CHAPTER 559.

AN ACT for the benefit of M. M. Lea.

Whereas, it is represented to this General Assembly, that the Paymaster of the 129th Regiment of Kentucky Militia did, during the year 1848, re-list with the late deputy Sheriff, Madison M. Lea, a delinquent list of muster fines, which said list said deputy Sheriff did not collect, and before the day appointed by law to make his return of delinquents, the said Lea mislaid or lost said list, amounting to the sum of eighteen dollars, and the Paymaster of said 129th Regiment having preserved no copy thereof. Therefore,

1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Paymaster of said 129th Regiment of Kentucky Militia, be and he is hereby required, upon said Lea making oath before some Justice of the Peace, in the county wherein he is a resident, to the fact that he has lost said list, and has not collected or appropriated the same, or any part thereof, to his own use, to release said Lea from all of said sum of eighteen dollars.

Approved March 7, 1850.

CHAPTER 561.

AN ACT for the benefit of R. P. Robinson and Ambrose Amburg, and others.

Robinson allowed further time to collect taxes, &c.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Richard P. Robinson, former Sheriff of Pike county, for the years 1844 and 1845, have the further time of two years to collect his taxes and fee bills, which was entitled him at the expiration of his sheriffalty, and that he collect them in the manner provided by law for the collection of taxes and fee bills.*

Amburg allowed further time to collect fees.

SEC. 2. *Be it further enacted, That Ambrose Amburg, of Letcher county, formerly a Justice of the Peace for Perry county, be allowed the further time of twelve months to issue and collect his fee bills, as now provided by law, due him as Justice aforesaid.*

Sheriff Adair time return delinquent list.

SEC. 3. *Be it further enacted, That the Sheriff of Adair county have further time, until the first day of July, 1850, to return his delinquent list for the year 1849.*

Sheriff Morgan further time to collect fees.

SEC. 4. *Be it further enacted, That Joseph Lumkins, former Sheriff of Morgan county, have the further time of one year to collect his fee bills.*

Sheriff Trigg further time to collect fees, &c.

SEC. 5. *That the present Sheriff of Trigg county have the further time of twelve months to place his fee bills, and uncollected taxes, in the hands of his successor in office for collection.*

Sheriff Carter further time to collect fees, &c.

SEC. 6. *Be it further enacted, That George W. Coons, late Sheriff of Carter county, and his deputies, have the further time of two years, from this time, to collect his fee bills and return a delinquent list of muster fines.*

Adm'rs of Morrison further time to collect fees.

SEC. 7. *That the administrators of James I. Morrison, deceased, late Sheriff of Trigg county, be allowed the further time of two years to collect and distrain for the legal Sheriff's fees due and owing to said Morrison at the time of his death.*

Approved March 7, 1850.

CHAPTER 562.

1850.

AN ACT to incorporate the Verona Turnpike or Plank Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be and is hereby formed, and created a body politic and corporate, by the name and style of the Verona Turnpike or Plank Road Company; to run from the town of Verona, in Boone county, passing the school house of Wm. L. Roberts, and uniting with the Lexington and Covington Turnpike Road at such point as may, by the President, Directors and Company of this road, be designated.

Name & style.

Route.

SEC. 2. The capital stock of said company shall be twelve thousand dollars, to be divided into shares of twenty five dollars each.

Capital stock.

SEC. 3. That a book or books may be opened for the subscription of stock in said company—at Verona, under the direction of the following gentlemen, as commissioners, to-wit: William L. Roberts, Vardiman Finnell, Benjamin Sleet, Elisha Hudson, Wm. L. Vest, and J. B. Martin—on the first Saturday in March, 1850, or as soon thereafter as may be convenient, and the commissioners may direct; and they may continue open the book or books as long as they may see fit and expedient so to do.

Com'rs to open books.

SEC. 4. The subscribers shall, in the book or books of the commissioners aforesaid, enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, do, respectively, promise to pay to the President, Directors and Company of ———, twenty five dollars for each share of stock set opposite our respective names, at such times as we may designate, and pay the same in such proportions, and at such times, as the said President and Directors may require, after the same becomes due and payable. Witness our hands this the — day of ———." Which amounts shall be collected in the proper courts.

Obligation.

SEC. 5. So soon as six thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners named in the third section of this act, to give notice, in such manner as they may think proper, for a meeting of the stockholders at such time and place as they may see fit to designate, for the purpose of electing a President and five Directors; and one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are duly elected. The times and places for all elections, after the first, shall be fixed by the President and Directors of said company, for the time being; a majority of the commissioners shall be competent to transact all business.

Meeting of stockholders to elect officers.

SEC. 6. So soon as said company is organized by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name

Corporate powers.

1850.

and style of the Verona Turnpike or Plank Road Company, and by that name and style shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof; and of taking and holding, by purchase or gift, all such lands, tenements, hereditaments, real or personal property, as may be necessary for the prosecution of their work, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity, or elsewhere; also to have and use a common seal; and, generally, to do all and every matter or thing, which a corporation may lawfully do, to effect the objects for which this corporation is created.

Warsaw turnpike charter adopted.

SEC. 7. *Be it further enacted*, That so much of an act, entitled, an act to incorporate the Warsaw Turnpike Road Company, passed and approved February 12, 1849, as is embraced in sections seven, eight, nine, ten, and eleven, be and the same is hereby re-enacted, and adopted as a part of this act, except that part of section nine where the name of Gallatin is used in said section, the name of Boone shall be used in this act: *Provided further*, that nothing herein contained shall authorize any subscription of stock on the part of the State.

Approved March 7, 1850.

CHAPTER 563.

AN ACT to amend the charter of the Town of Midway.

Concerns vested in Trustees, to be elected annually.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act incorporating the town of Midway be so amended, that, hereafter, the prudential, fiscal, and municipal concerns of said town, as now laid out and defined, shall be vested in five Trustees, who shall be elected annually, on the first Saturday in March, by the free white male inhabitants over twenty one years of age, who shall have been *bona fide* residents in said town six months next preceding said election; said Trustees, when elected, shall hold their offices for the term of one year, and until their successors are elected and duly qualified. That said Trustees, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, that they will faithfully, and without partiality or affection to any one, discharge the duties of Trustees to said town during their continuance in office.

To take oath.

Chairman to be chosen.

SEC. 2. That said Trustees shall proceed, after their qualification, to elect one of their number Chairman, who shall preside at their meetings, and have power to convene the Board, when, in his opinion, the interest of the town

demands it. It shall be his duty to see that all the ordinances and by-laws of said town during their continuance in office.

1850.

Sec. 3. That said Trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of Midway;" and by that name shall be capable, in law, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and do all acts, matters and things, which a body politic or corporate, having perpetual succession, can lawfully and rightfully do.

Name & style, powers, &c.

Sec. 4. That said Trustees, or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and side-walks of said town, or which may hereafter be opened, and may direct the improvement of the same, as they shall deem most beneficial to the interest of said town; they shall have power to levy and collect an *ad valorem* tax upon the property of said town, not exceeding fifteen cents on the hundred dollars, in any one year, and a poll tax on each white male, over the age of twenty one years, not exceeding one dollar; they shall have power to tax auction sales, shows, and exhibitions, for money or profit, such sum as they, by their laws may declare; they shall have the power to suppress all tippling houses, and to fine all those who may violate their by-laws, any sum not exceeding twenty dollars for each offence, except for disturbance of religious worship, riots, routs, unlawful assemblages, breaches of the peace, and tippling houses, where the penalty may be one hundred dollars, which may be recovered before the Police Judge, hereinafter provided for, or any Justice of the Peace in Woodford county; they shall have power to remove all disorderly itinerant free persons of color from within the limits of said town; they shall have power to declare what are nuisances and, remove the same; they shall have power to provide for the security of the said town against fire, by organizing a fire company, defining their duties, and punishing, by fine, those who shall fail to perform the duties required of them; they shall have power to inflict a fine of one dollar for a failure of any member to attend a meeting of the Board; they shall have power to fill all vacancies; they shall have full power to pass all by-laws and ordinances, necessary for the carrying into effect all the powers herein granted, and executing all the provisions of this charter.

May make & receive conveyances—powers in relation to streets and alleys.

May suppress tippling houses.

May remove disorderly free persons of color.

Fire companies may be organized.

Sec. 5. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk, Marshal, and such other officers as they may deem necessary, and take from them, respectively, bonds, with approved security, payable to the Board

Treasurer and other officers to be appointed.

1850.

of Trustees of Midway, and their successors in office, in such penalty as said Trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation on the part of either of said officers, suits may be brought, and motions made before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations, that suits are brought, and motions made, against other officer for failure of duty.

Police Judge
to be appointed.

Sec. 6. That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint a judicial officer, to be styled the "Police Judge of Midway," who shall be commissioned as such, during good behaviour, who, before he enters upon the duties of his office, shall

To take oath.

take an oath before some Justice of the Peace, to discharge the duties of his office faithfully and impartially to the best of his ability, without favor or affection, together with such other oaths as are usually required of public officers. The said Police Judge shall have jurisdiction within the limits of said town, and within a square of four miles around said town, of all civil causes of which Justices of the Peace have jurisdiction. In all criminal cases arising in the county of Woodford, said Police Judge shall have the jurisdiction, as a Court of Inquiry, now given, by law, to two Justices of the Peace, and shall proceed, in like manner, as said Justices are required, by law, in criminal cases. He shall have jurisdiction of all offences arising under the ordinances and by-laws of said town, and shall have power to enter judgment, and award execution accordingly. He shall have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat*, *habeas corpus*, &c.; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace. He shall have power to issue summons for witnesses, to give evidence in causes pending before him, and upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison for contempt: *Provided*, that said fine shall in no case exceed five dollars, nor the imprisonment eight hours. He shall have power to order the Marshal to summon a jury in any case cognizable before him, where a jury would be necessary before a Circuit Court or a Justice of the Peace. It shall be lawful for said Police Judge to take depositions, and certify the same to be read as evidence in any case pending in any Court where the depositions now authorized to be taken by Justices of the Peace, may be read. He shall be entitled to the following fees, to-wit: for a peace warrant, or for a riot, rout, or unlawful assembly, or breach of the peace, fifty cents, or for issuing a warrant for violating any of the ordinances or by-laws of said town, or

His jurisdiction.

in any case where the Trustees are plaintiffs, twenty five cents; for swearing a jury and presiding over it in any case, (except forcible entry and detainer,) fifty cents; for taking recognizances to keep the peace, upon the application of any person, fifty cents, to be charged to the applicant; for each subpoena, twelve and a half cents; for each original judgment, in all civil cases, twenty five cents; all other fees of said Judge, shall be the same as allowed by law to Justices of the Peace for like services, and collected in the same way.

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SEC. 7. That it shall be the duty of the Treasurer and Clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of the Treasurer to render an account to the Trustees, of all moneys received and paid out by him, whenever by them required so to do.

Treasurer and Clerk to keep record.

SEC. 8. The Police Judge shall have jurisdiction of all cases of motions and suits against the Treasurer, Marshal, Deputy Marshal, Clerk, and other officers of said town, for all sums of money, or other thing, which may be due from them, or either of them.

Police jurisdiction, motions against Treasurer, &c.

SEC. 9. That from all judgments rendered by said Police Judge, either party may appeal to the Circuit Court, or County Court, under the same rules and regulations authorizing appeals from judgments of Justices of the Peace to Circuit or County Courts.

Appeals from judgment, Police Judge.

SEC. 10. That it shall be the duty of the Marshal to serve all process and precepts to him directed, from the said Police Judge, and make due return thereof, collect all taxes of said town, executions, and other demands, which may be put into his hands to collect, and account for and pay over the same, to whomsoever may be entitled thereto, under the same rules and regulations required of sheriffs, in the collection of executions and other demands; and for a failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against sheriffs, or constables, in similar cases.—The said Marshal shall have the same power, and be entitled to the same fees, for collecting the town tax, that sheriffs have for collecting the county levy, and revenue tax; and in all other cases, the same fees allowed constables, for similar services: *Provided, however*, said Judge shall have power and authority to direct his process to be executed by any constable of Woodford county, or by the sheriff of said county. Said Marshal shall be invested with all power and authority which is given to constables, in all cases cognizable before said Police Judge; he shall have power, if need be, to summon the aid of the county in executing any process to him directed; any person or persons failing to aid said Marshal, when so summoned,

Marshal's duties and powers.

Penalty for neglect of duty.

Process may be directed to Constable.

1850.

Fines and forfeitures to be paid to Treasurer.

may be fined or imprisoned by said Police Judge, the fine not to exceed five dollars, nor the imprisonment eight hours.

SEC. 11. That all the fines and forfeitures for a violation of said ordinances or by-laws of said town, and all cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said Board of Trustees, for the use and benefit of said town; and all moneys collected by a judgment of a Justice of the Peace, for a violation of any of the ordinances or by-laws of said town, committed within the limits of said town, shall, in like manner, be paid over to the Treasurer.

How money to be drawn from Treasury.

SEC. 12. That no money shall be drawn from the Treasury, except by order of the Chairman, in pursuance of allowances made by said Board of Trustees.

SEC. 13. That the Trustees shall have power to impose a tax upon all domestic animals running at large in said town.

Assessor to be appointed annually.

SEC. 14. That the Trustees shall annually appoint one Town Assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each, separately, the amount of his, or her, or their whole estate within said town, subject to taxation under the laws of this Commonwealth; which list shall be taken in the same manner that revenue lists are now, or may hereafter be, taken.

Clerk to deliver Collector list taxes.

SEC. 15. That it shall be the duty of the Clerk of the Board of Trustees, to make out, and deliver to the Collector, a fair copy of the Assessor's book, with the amount of tax to be paid by each individual, and take his receipt therefor; and the Trustees shall, by their warrant, authorize and direct the Collector to collect the same; and shall make said Clerk, Assessor, and Collector, such compensation as they may deem proper.

Public wells.

SEC. 16. That the Trustees shall have power to repair and keep in order the public wells and springs of said town, at the common expense.

SEC. 17. The Trustees shall cause all by-laws and ordinances, passed by them from time to time, to be recorded in the journal of their proceedings, and post up a copy of the same at some public place within said town.

May cause side walks to be paved.

SEC. 18. That the Trustees may cause the side walks in said town to be curbed and paved as they may direct, the costs whereof shall be apportioned and assessed against the owners of lots fronting said side walks, and a lien is given on said lots for the same; or the Board of Trustees, in their discretion, may cause said lots to be rented out until said improvements are paid for.

Title to lots vested.

SEC. 19. That all titles, by deeds and conveyances, heretofore made to former Trustees of said town, all powers and authority given them from time to time by the Legislature, not repugnant to this act, be and the same are hereby vested in the Trustees, and their successors in office when elected, who are authorized to be elected under this act.

SEC. 20. It shall be the duty of the Trustees, in every year, at least ten days before the annual election, to appoint two competent persons as Judges of the election, who, being first sworn, before the Police Judge or some Justice of the Peace, shall, in conjunction with the Clerk of said Board, hold an election for Trustees as heretofore provided: *Provided*, that if the said Trustees, at any time fail or refuse to appoint the Judges for conducting the election of Trustees, the County Court of said county shall, at their next, or some succeeding Court, on the application of any person, appoint Judges and a clerk to conduct said election, and fix a day therefor.

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Elections of Trustees, when, how, and by whom to be held.

SEC. 21. The said Trustees shall have full power and authority to open any street or alley which may be, or shall hereafter be closed, if, in the opinion of said Trustees, the opening of said alley or street, so enclosed, will add to the benefit and convenience of the citizens of said town.

Streets & alleys may be opened.

SEC. 22. That for any tax to be levied under this law upon the personal or real property in said town, there shall exist a lien in favor of said Trustees for said tax, unless the same shall be paid; and in case the owner or owners of said property, or some one of them, shall fail to pay such tax on or before the first day of September in each year, it shall be lawful for said Trustees, by their town Collector, to sell, at some public place within said town, at the November County Court, so much of said real estate as will discharge the tax due thereon, which shall vest the purchaser with title and the right to hold the same: *Provided, however*, that the owner or purchaser of any such real estate, so sold, their heirs, administrators or executors, may, at any time within twelve months of the day of sale, redeem the same by paying or tendering to the purchaser, or in case of his absence or removal, to the Clerk of the Board of Trustees, the sum for which it sold, with ten per cent. per annum thereon, from the time of sale, to the day of payment or tender; and if the owner of any property so sold, shall fail to pay, and redeem the same within one year, the Trustees shall, if required so to do, convey the said estate, so sold, to the purchaser.

Lien to exist for taxes, property may be sold for taxes, when, by whom, and in what manner

SEC. 23. That Wm. R. Chew, and Wm. Kercheval, as judges, and John W. Clelland, as Clerk, shall, after giving notice thereof, proceed to hold the first election of Trustees under this act, at the house of Margaret Thornton, in the town of Midway, on the second Saturday in March, 1850; and should one or more of them be absent, those remaining may fill the vacancy.

By whom, & when first election to be held.

SEC. 24. That the Trustees of said town be empowered, and they are hereby authorized, to sell, alien, and convey, for a nominal consideration or otherwise, that portion of the property of said town, lying on the north side of Rail-

Trustees may sell and convey part street.

1850.

road street, and situate in said town between Dudley and Gratz streets, to the owners of the lots, numbers thirty three, thirty four, thirty five, thirty six, and thirty seven, of said town, and that the title, by them conveyed, shall be valid to all intents and purposes, in all courts of law and equity in this Commonwealth.

Approved March 7, 1850.

CHAPTER 564.

AN ACT to incorporate the Georgetown Cemetery Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Manlius V. Thomson, Wm. B. Keene, J. F. Robinson, J. R. Ward, D. G. Hatch, J. T. Pratt, J. E. Farnam, B. F. Payne, P. L. Mitchell, J. Thompson, sen., A. Duvall, D. Thomas, T. C. Kelly, James M. Frost, Jas. H. Daviess, D. Howard Smith, John Wallace Keene, D. M. Runyon, R. M. Ewing, and J. T. Craig, be and they are hereby made a body politic and corporate, in law, under the name and style of the Georgetown Cemetery Company; and by that name shall be able and capable, in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and do all such other things as are incident to a corporation. The said company shall have power to purchase any quantity of land in the county of Scott, not exceeding one hundred acres, and receive a conveyance of the same, with such covenants of warranty as they may think proper. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and shall never be alienated, sold, or used by said corporation, for any other purpose than burial lots, as hereinafter prescribed. But the said corporation may permit their Superintendent, or other officers, to use that portion of their grounds and buildings not sold for burial lots, for horticultural purposes: *Provided*, the same is used in manner not inconsistent with the reverence and respect due to the cemetery of the dead. The said grounds, fixtures, shrubbery, and every thing growing therein, shall always be subject to State revenue, but shall not, after the ground has been fully paid for, be subject to be levied on or sold, by judgment, execution, or decree, for any other debt or cause whatsoever. No road or pass-way shall be opened through said grounds, unless by the consent of the company. The said company may receive and take, by devise or bequest, any legacies that may be devised to them, to be appropriated solely and exclusively to the ornament and improvement of said cemetery and grounds, and may vest in State stocks, or loan out any spare funds that, from time to time, they may have; but

Corporators' names.

Name & style, and corporate powers.

they shall never exercise or attempt to exercise any banking powers.

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SEC. 2. A majority of the above named persons, or of the survivors of them, shall have full power and authority to appoint a Board of seven Trustees, who shall elect one of their number as Chairman; said Trustees shall remain in office until their successors are qualified, and have power to fill any vacancies that may occur in their body, by death, resignation, or removal. The term for which the first Board of Trustees shall serve, shall be designated and limited by those who appoint them, as above. After the first Board of Trustees have been appointed as above, and have qualified, they, and their successors in office, shall exercise all the corporate powers of the corporation. The seven Trustees shall afterwards be elected once in every five years, by a majority of the shareholders who vote, due notice of the time and place of voting being first given, by publication of four successive weeks in one of the newspapers published in Georgetown; and the election shall be conducted by judges appointed by the Board then in office. The Trustees, thus elected, shall remain in office five years, and until their successors are qualified. If any thing should prevent an election within the prescribed time, a majority of the Trustees in office shall have the power, and it shall be their duty to call a meeting for, and cause an election of, their successors, as soon afterwards as convenient. The Trustees shall, at all times, have the power to fill any vacancy that may occur in the Board, by death, resignation, or removal. Death, or removal from the county of Scott, or resignation, shall vacate the seat of a Trustee. Four Trustees shall constitute a quorum for the transaction of business. Each person owning burial lots, to the value of twenty five dollars, shall be regarded as holding a share, and each share shall entitle the holder to one vote in the election of Trustees; but no person, or body corporate, shall be entitled to more than ten votes. When a share is vested in several persons, a majority of those present, at the time of voting, in whom the legal title is, to such share, shall be entitled to cast such vote. The Trustees shall keep a regular record of their proceedings, and of all sales, transfers, and disbursements; and shall always preserve an accurate map and survey of the ground and lots, and have the same recorded in the Clerk's office of the Court of Appeals, or of the Scott County Court. Each Trustee shall, before he enters upon the duties of his office, make oath, before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a Trustee, according to the best of his abilities, and will not be influenced in his conduct, as Trustee, by sectarian or political partialities.

Trustees to be appointed, their powers and duties.

Vacancies, & how filled.

Votes on shares.

Map and survey to be recorded.

Trustees to take oath.

1850.

Grounds to be
ornamented.

May lay off &
sell lots, direct
and control im-
provements.

Sec. 3. As soon as the ground is purchased, and the Trustees are qualified, they shall have power to lay out and ornament the same; and from time to time, alter, repair and add such buildings and fixtures as may be necessary for the use or ornament of the Cemetery grounds; and for this purpose, and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to the same. They shall have power to lay off, sell and convey, burial lots, either at public or private sale; to make, from time to time, by-laws and regulations for the control, management, and care of the Cemetery grounds and graves, and the mode of ornamenting the same, and regulate the mode in which bodies shall be interred; and make such other by-laws and regulations as may be necessary for the purposes of the corporation; they shall have full power to enter upon, and remove any ornaments, fixtures, or shrubbery, that may be placed on or around the graves against the by-laws or regulations of the corporation; they shall have the power to appoint, from time to time such superintendents, and other officers, as they may think necessary, and take from them such bond as may be required. The proceeds of the sale of lots, and all money that may come to the corporation from any other source, shall be applied, first to reimburse those who have made advancements for the original outlay and purchase of the establishment, and shall, afterwards, in all time to come, be applied to ornament and improve the grounds and defray incidental expenses.

Certificates to
purchasers.

Sec. 4. When a burial lot is purchased, the Trustees shall give a certificate thereof, under the seal of the corporation, which shall vest the purchaser with title. This title may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass, by devise, as other real estate. Such lots shall never be used for any other purpose than burial lots, and if applied to any other use, the title shall revert to the corporation.

Penalty for vi-
olating graves,
monuments, &c.

Sec. 5. If any person shall, forcibly, and without lawful authority, violate any of the graves of the dead, or deface any of the tomb stones, monuments, or enclosures, or injure any of the grounds, shrubbery, fixtures, or buildings, or any manner damage any of the grounds of the corporation, such person or persons, so offending, besides being liable to an indictment for a misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass; and the damages, when recovered, shall be applied by the corporation to restore, as far as possible, any injury that has been done.

Approved March 7, 1850.

CHAPTER 565.

1850.

AN ACT for the benefit of the heirs of Thomas Lyne, deceased, and the heirs of Caleb Hardesty, deceased.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the guardian of the infant heirs of Thomas Lyne, deceased, is hereby authorized to file a petition in the Woodford Circuit Court, setting forth the necessity of the sale of the interest of said infant heirs in two tracts of land, lying in Woodford county, descended to them and others; the first containing about five hundred and seventy four acres, and the other tract containing about thirty acres; and if it shall appear to the satisfaction of the Chancellor, from the petition and proof, that it would advance and redound to the interest of said infant heirs that a sale should be made of their interest in said tracts of land, then it shall be lawful to decree a sale of said interest, upon such conditions and terms as may seem proper to the Chancellor of said court, requiring such bond or bonds as is now required by existing laws authorizing the sale of infants real estate.

Whereas, it is represented to the present General Assembly of Kentucky, that Caleb Hardesty, of Spencer county, who died intestate, was the owner of a tract of ——— acres of land, upon which he lived and died, and another tract of fifty acres of land, separate and apart from the same tract, both situate in Spencer county, Kentucky, and that he was also possessed of some slaves; and personal estate is not sufficient to pay the debts against his estate, and that it would be more beneficial to his estate that said tract of fifty acres of land should be sold, to raise means to pay the debts of said estate, than to sell said slaves. Therefore,

SEC. 2. *Be it further enacted*, That, it shall be lawful for McKelviey Murray and Samuel Barnett, administrators of said Hardesty's estate, together with the widow and heirs of said Hardesty, to file a bill in chancery in the Spencer Circuit Court, in which county said Hardesty died, and said land lies, to have the same sold; and it shall be lawful for said court, at the first term of the court after the filing of said bill, if it should appear to said court to be for the interest of said estate, to render a decree directing said fifty acres of land to be sold, upon such terms as shall be deemed most advisable, and a conveyance thereof to the purchaser or purchasers from said widow and heirs; which may be executed by a commissioner under the order of said court; which conveyance shall vest the purchaser with all the right, title, and interest, in said land, that said widow and heirs have; and said court may order a writ of possession to be issued directing said commissioner to put the purchaser of said land in possession of the same, in three days after said writ is issued: *Provided, however*, that said

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court shall require said administrators to execute bond, with good security, in a sum sufficient, conditioned for the faithful application of the proceeds of said land to the payment of the debts against said estate, until all are paid, and to account and pay over the balance according to the laws of this State.

Approved March 7, 1850.

CHAPTER 566.

AN ACT for the benefit of the Mechanics of Pendleton, Bracken, and Trigg counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all the benefits provided for the carpenters, joiners, brick masons, stone masons, painters, plasterers, turners, brick layers, lumber merchants, and all other persons performing labor, or furnishing materials for the construction or repair of any buildings in the town of Covington and Newport, approved February 22d, 1834, are hereby extended and provided for all such persons in Pendleton, Bracken, and Trigg counties, who may do work, or provide materials for any building in said counties, as is described in said act; and liens are hereby given upon ten acres of land, including said buildings, save in towns, so constructed or repaired in said counties, and on the buildings and town lot in towns, in the same manner as liens are given upon lots in said towns.

Approved March 7, 1850.

CHAPTER 567.

AN ACT to establish a Board of Internal Improvement for Fayette county.

Persons composing Board.
 SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Leslie Combs, George W. Sutton, Henry C. Payne, Jacob Hughes, John Norton, A. D. Hunt, Jos. Bryant, James A. Grinstead, John B. Tilford, Neal McCann, John McMurtry, William Pullen, John Darby, Edward Oldham, and Richard Spurr, be and are hereby created a Board of Internal Improvement for Fayette county.

Vote citizens to be taken.
 SEC. 2. That it shall be the duty of the Sheriffs and Judges of election in Fayette county to open a poll at the next August election, when the qualified voters of said county may vote for or against a subscription of five hundred thousand dollars to the Railroads from Danville to Lexington, and from Lexington to Maysville and Covington, subject to discretion hereinafter vested in said Board of Improvement.

SEC. 3. That if a majority of the votes at said election shall be cast in favor of said subscription, it shall be law-

ful for said Board of Improvement, and they are hereby vested with full power to subscribe as much of such amount to the stock of each or either of said companies as, in their judgment, will be best for the interest of said county, not exceeding in the aggregate the said sum of five hundred thousand dollars.

SEC. 4. That it shall be lawful for said Board of Improvement, and they are hereby vested with full power and authority, to levy and collect a tax of one per. cent. for three successive years, on the taxable property on the Assessor's books for Fayette county, according to the valuation thereof on said books, excluding therefrom all such real estate as is without the limits of said county, for each of the three years, as taxes of the county are now collected, and apply said tax, as collected, to the payment of so much of said stock as shall be subscribed in said companies; and each and every person who pays any part of said tax, shall be entitled to his *pro rata* share of the stock of each of the companies to which subscription is made, and shall be entitled to demand and receive a certificate, so soon as he shall have paid for a full, a half, or a quarter share, or shall produce transfers from those who have paid portions so as to entitle him to a full, a half, or a quarter share.

SEC. 5. The said Board of Improvement shall have the right to appoint, and remove at pleasure, Collectors, and the tax shall be paid as collected to the President and Directors of such road, as the said board may order; and the said board shall require bonds, with good security, conditioned as said board may require, of said Collectors, who shall have all power to enforce the collection and assess all omitted property which Sheriffs and Collectors of the revenue of this Commonwealth now have.

SEC. 6. That the said board shall have power to fill any vacancy which may occur in their own body, by death or resignation, and a majority shall constitute a quorum for the transaction of business; and they shall keep a record of their proceedings.

SEC. 7. The bonds taken from the Collectors shall be made to the Commonwealth of Kentucky, and suits for a breach thereof shall be prosecuted in the name of the Commonwealth to the use of the party aggrieved.

Approved March 7, 1850.

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Stock may be taken in companies.

Taxes may be levied and collected to pay subscriptions.

Tax paid to be stock by individuals.

To whom tax to be paid when collected.

Vacancies, & how filled.

CHAPTER 568.

AN ACT to incorporate the Nicholasville and Kentucky River Turnpike Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be and the same is hereby created, for the purpose of making a turn-

Name & style

1850.

pike road from Nicholasville to the Kentucky river, under the name and style of the Nicholasville and Kentucky river Turnpike Road Company.

Capital may
be increased.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each; which capital stock may be increased by additional subscriptions, in manner and form, as the President and Directors may think proper, if such enlargement shall be found necessary to fulfill the intentions of this act.

Books, when
and where opened.

Com'rs to
open books.

Obligation of
subscribers.

Notice to be
given.

SEC. 3. *Be it further enacted*, That books shall be opened for the subscription of stock in said company, on the first Monday in May next, in the town of Nicholasville, under the direction of Edward Cosby, J. C. Wilmore, Joseph Deboe, Wm. P. Daniel, Andrew Hemphill, Henry M. Chrisman, and Daniel B. Price, or some one or more of them, who are hereby appointed Commissioners. The said commissioners shall procure a book or books, to be opened at the place designated, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, do hereby bind ourselves to pay to the President, Directors, and Company of the Nicholasville and Kentucky river Turnpike Company, the sum of fifty dollars for each and every share of stock, in said company, set opposite our names, in such manner and proportions, and at such times, as shall be required by said President and Directors of said Company." That said Commissioners shall give notice, in one or more of the newspapers published in the city of Lexington, and by advertisements set up at Nicholasville, and other public places in the county, of the time and places of opening the books for subscriptions for stock in said company. The Commissioners attending shall permit all persons of lawful age, companies, and bodies corporate and politic, the County Court of Jessamine, or Trustees of any town, to subscribe in said book or books, in their own name or names, or in the name or names of any other person or persons who shall duly authorize the same, for any number of shares in said stock.

Meeting to
be had 30 shares
subscribed.

SEC. 4. *Be it further enacted*, That whenever fifty shares of the capital stock of said company shall have been subscribed, the Commissioners aforesaid, or any one or more of them, shall call a meeting of the subscribers, to be held in the town of Nicholasville, on some day to be fixed by them, of which meeting they shall give at least thirty days' notice, by posting the same in the town of Nicholasville, for the purpose of electing a President and five Directors, to serve until others are elected and qualified; and that all future elections shall be held on the first Saturday in May, in every successive year, at such place as the President and Directors, for the time being, shall designate.

SEC. 5. That the company formed and organized as aforesaid, shall be and they are hereby created a body politic and corporate, in deed and in law forever, by the name and style of the President and Directors of the Nicholasville and Kentucky River Turnpike Road Company; and under the said style and name, shall have perpetual succession, and all the privileges, immunities, and franchises, of a body politic and corporate; and, as such, shall be capable of contracting and being contracted with, of purchasing, taking, and holding, to them and their successors and assigns, and of selling and conveying, in fee simple, all such lands, and tenements, and estate, real, personal, and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatsoever; and, also, to make, have, and use a common seal, and the same to break, alter, or renew; and do any and every act which a body politic and corporate may lawfully do.

1850.
Incorporated,
powers, &c.

SEC. 6. That said President and Directors shall not be bound to McAdamize said road more than sixteen feet in width, and the metal to be placed on one side of said road should they deem it necessary.

Width.

SEC. 7. That said President and Directors may construct said road either of plank or rock, or both, as they may deem most consistent with the interests of said company; and they shall have the privilege of erecting a toll gate on said road, when two miles of said road shall be completed; said gate may be erected between the town of Nicholasville and the gate of Daniel B. Price, at the discretion of the President and Directors of said company.

May build road
of plank or
gravel.

SEC. 8. That the President and Directors of said Turnpike Road Company shall be governed, in the location and construction of said road, as, also, in all other respects, by the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act to amend and reduce into one the several acts to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles," approved February 14th, 1835, which do not conflict with the provisions of this act; and they are hereby vested with all the power and authority, rights and privileges, tolls and emoluments, that are granted to the President and Managers of the Frankfort, Lexington, and Versailles Turnpike Road Company, by the above recited act; and they are, also, empowered with all the rights, privileges, and benefits, of an act, entitled, an act for the benefit of the several turnpike road companies in this Commonwealth, approved February 9, 1837: *Provided*, that this act shall not be so construed as to authorize said company to assess higher rates of toll,

Provisions of
charter Frank-
fort, Versailles
and Lexington,
made applica-
ble.

1850.

per mile, than is now authorized and fixed, by law, in the above recited act.

County Court
may subscribe
stock.

SEC. 9. That the County Court of Jessamine county, and the Trustees of the town of Nicholasville, are hereby authorized to subscribe any amount of stock in said company they may deem proper.

Approved March 7, 1850.

CHAPTER 571.

AN ACT to reduce into one the several acts in relation to the town of Cynthiana.

Concerns vest-
ed in 7 Trustees,
to be elected an-
nually.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Cynthiana, as laid off and described in a plat, and the additions thereto, now of record in the Clerk's office of Harrison County Court, shall be known, and is hereby declared to be the extent and limits of said town. That hereafter the fiscal, prudential and municipal concerns of said town shall be vested in seven Trustees, who shall be elected annually on the first Saturday in January, by the free white male inhabitants over the age of twenty one years, and who have resided in said town nine months previous to said election, and also by the free white male citizens of Harrison county, over the age of twenty one years, who shall be the owners of real property lying within the limits of said town. Which said Trustees shall hold their offices for the term of one year, and until their successors shall be elected and qualified; that the said Trustees, before they enter upon the duties of their said offices, shall take an oath, before some Justice of the Peace, that they will faithfully, and without favor or affection to any one, discharge the duties of Trustee to said town during their continuance in office; that in case a vacancy shall take place in said Board of Trustees, the said board shall have power to fill such vacancy; that no person shall be a Trustee of said town, who is not at the time of holding the same a citizen thereof, and who has not resided therein at least nine months previous to his election.

Trustees to
take oath.

Vacancies, &
how filled.

Qualification
Trustees.

Corporate
powers.

SEC. 2. That the said Trustees and their successors in office shall be a body politic and corporate, and shall be known by the name and style of the Board of Trustees of the town of Cynthiana; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use either a common or private seal and do all other acts, matters and things which a body politic and corporate, having perpetual succession, can lawfully and rightfully do.

SEC. 3. That the Trustees may, from time to time, fix and regulate, by their by-laws, the times and places of the regular meetings of the board; and also prescribe the mode in which special meetings may be had; may inflict a penalty, not exceeding two dollars, on any member of the board for non-attendance, at any one meeting, to be applied for stationery, lights, and fuel for said board; and may appoint one of their number President of said board.

1850.

Meeting of the Board.

SEC. 4. That the said Board of Trustees, and their successors, shall have power and authority to take, receive, and hold, real, mixed, and personal estate, by purchase, devise, bequest or donation, for the use, benefit or ornament of said town; and may use, appropriate, lease or sell the personal or real estate, which may be so taken and received by them, or which is now held by or has been conveyed to the Board of Trustees of the town of Cynthiana, in such manner, and upon such terms, as they may deem expedient: *Provided, however*, that no sale or lease shall be made of any real estate, unless at some regular meeting by the vote of five Trustees, and whose vote shall appear recorded in full upon the records, giving the individual names of those who voted for and those who voted against it.

May hold real estate & sell & convey the same

SEC. 5. That the said Board of Trustees, and their successors in office, shall have full power and authority, before any court having jurisdiction of the case, to maintain and carry into judgment and execution any action of trespass, for any injury done to any property, real, personal or mixed, belonging to said town; and may, in like manner, maintain and carry into judgment and execution, any other appropriate action or actions, for the recovery of the same, or damages for the detention, taking, injury or destruction of the same: *Provided*, that in all suits or motions in which the Board of Trustees aforesaid shall be a party, before the Police Judge of the said town, or any Justice, in which the sum claimed in any such warrant or writ, shall be fifteen dollars or over, either party may appeal to the Circuit Court of Harrison county, in the same manner that appeals are now allowed by law.

May maintain actions of trespass for injuries to property.

SEC. 6. That the Board of Trustees shall have power and authority to clear the streets, alleys, side walks and pass-ways, in said town, of all obstructions; to erect and sink cisterns, wells and pumps; and keep open all springs in said town, and declare them free by a verdict of a jury, to be empannelled before the Police Judge of said town for that purpose, except springs belonging to private persons, or upon private property. They shall also have the power and authority to preserve and protect, free from incumbrance, all the public ground and improvements in said town; they shall have full power and authority to remove and cause to be removed and abated any nuisance or nuisances in said

Obstructions to streets, alleys, &c., may be removed—springs, &c., may be improved.

1850.

town, and to regulate the storage or removal of any combustible or unwholesome material, that may injure or endanger the health, or tend to diminish the comfort of the citizens, or the security of their property; they shall also have the power and authority to cause any chimneys, flues, stove-pipes, or fire places, that in their judgment may threaten the security of property, to be changed and repaired so as to remove the cause or danger of insecurity. They shall also have the power and authority to cause the owners or occupiers of property, fronting on any streets or alleys in front of them, to keep them clear and free from dirt or filth; and in all cases enumerated in this section, where the persons who should do so, fail or refuse to obey and perform the directions given in relation thereto by the Board of Trustees, the said Trustees may have their orders executed at their own expense and cost; and charges thus incurred shall be paid by those who should have complied with the directions of the Board in relation thereto, and may be recovered by the Board of Trustees by a warrant for the same, before the Police Judge, or by a suit in the Harrison Circuit Court.

Grounds may
be ornamented.

SEC. 7. That that the Trustees may cause the said town, and the grounds belonging to the town, to be ornamented in such manner as they may deem expedient, with fencing, trees, and shrubs, and the necessary protection of said trees and shrubs; and if any person or persons shall wilfully injure said trees and fencing and shrubs, or any one or part thereof, or the boxing or protection of the same, each person so offending shall for each offence, be subject to a fine of not less than one nor more than fifty dollars, to be recovered by the said Trustees, in their own name and for their benefit, by a warrant before the Police Judge.

Additional
tax may be levied
for grading
and McAdam-
izing streets and
alleys.

SEC. 8. That the Board of Trustees of the town of Cynthia may at any meeting of said Board, at which they levy the tax of said town, in addition thereto for the same year levy and collect on all real estate within said town not exceeding five cents on the one hundred dollars worth of property; the same to be appropriated to the paving, grading and McAdamizing any side walk, street or alley in said town, which, in the opinion of said Board, may, for the comfort or improvement of said town, require such paving, grading or McAdamizing; and should they deem it proper, may, in addition thereto appropriate to the same purpose one fourth of the amount received from poll taxes levied for the same year.

Market and
market house.

SEC. 9. That the said Trustees shall have the control and care of the market house, and may annually appoint a Market Master, who shall give bond and security to be approved by the Board, faithfully to perform the duties assigned him by the Board; he shall, when required by the Board, rent the stalls, and license persons to sell meats and

1850.

articles, under the direction of the Board, and the bonds, notes, and accounts taken by him therefor shall be made payable to the Board, and be collected by the Marshal before and by judgment of the Police Judge. The said Trustees shall have full power and authority to pass all by-laws, rules and regulations for the government of the market not contrary to the constitution and laws of the land; and may inflict fines and penalties, to enforce the same, in any sum not exceeding ten dollars for each offence, recoverable before the Police Judge.

SEC. 10. That if the owner or hirer or any person who has the legal control and custody of any slave, shall suffer or permit said slave to hire his or her own time, or go at large and act for himself, in said town, the Police Judge, if required by said Trustees, issue his warrant against the owner or hirer, or person who has the legal control of said slave, to show cause why judgment shall not be rendered against him or her for such offence; which warrant may be executed by the Marshal or his deputy, or by any Constable of Harrison county; and upon the return of the same, a jury shall be empannelled before said Police Judge, and if the jury shall ascertain that the defendant to said warrant suffered and permitted said slave to hire his or her own time, or go at large and act for himself or herself, in said town, the said Police Judge shall thereupon enter judgment that said owner or hirer, or such person having the legal control of such slave, be fined any sum not exceeding fifty dollars, at the discretion of the jury, to be paid to said Trustees: *Provided also*, that when the owner of any slave thus going at large or hiring his or her own time is unknown, or resident out of the Commonwealth, the Police Judge may, on the application of said Trustees, order said slave to be hired out by the Marshal from month to month, for the benefit of said town, until the owner can be ascertained.

Penalty for suffering slaves to hire their time, and how recovered.

SEC. 11. That the said Trustees shall be authorized to purchase and hold any quantity of ground, of not more than twenty acres, to be within two miles of the limits of Cynthiana, for a burying ground; and may make all needful and necessary regulations for the use and protection of the same; and also of such ground as they now hold. They shall have full power to purchase and erect the necessary ground and buildings for a free school or schools, in said town, and make all necessary regulations in relation to said school; and the government and carrying on of the same. They may also establish fire companies in said town, and confirm and appoint the officers selected by said companies, and procure the necessary engines and implements to be used in case of fire, and require all the inhabitants of said town to keep such a number of firebuckets as they may think necessary, and make such regulations as

May purchase lands for burying ground.

Free schools may be established.

Fire companies.

1850.

Watch house.

they may deem necessary, in relation to said companies. They shall have power and authority to establish a watch-house and work-house, or either or both, as they may deem expedient; and appoint watchmen and other officers to superintend such houses, and to apprehend all offenders and disorderly persons, and take them before the proper tribunal to be dealt with according to law. All persons who may be confined, by order or by judgment of the Police Judge or Justice of the Peace of said town, for breaches of the peace, riots, routs, affrays, unlawful assemblies, or any other offences against the ordinances or by-laws of said town, or the general laws in relation to the same, and all common mendicants and vagrants may, by the order of said Police Judge or Justice of the Peace, if he think proper to make such order, be confined in said work-house at hard labor, and shall be discharged when the term of their confinement have been complied with, or the time thereof has expired.

Clerk, Assessor,
or, Treasurer,
Marshal, &c., to
be appointed.

Officers to
give bond.

Bonds, suits
for breaches of.

Officers may
be removed.

SEC. 12. That the Board of Trustees for the town of Cynthiana shall have the power to appoint, annually, a Clerk, Assessor, Treasurer, Marshal, Market Master, Surveyor, and such other officers for said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town, and the citizens thereof; and may prescribe their respective duties, and affix and pay the respective salaries of said officers. They shall require bond, with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices; which bonds to be made payable to the Board of Trustees of the town of Cynthiana, and may contain any stipulations and covenants that said Trustees may think proper to require or receive; and when executed, shall operate as a mortgage and lien upon all the real and personal estate of such officers, and their sureties, respectively, until all the conditions of said bond are complied with; and that for a breach, or violation of the condition or conditions of any such bonds, the said Trustees may sue and recover, and have the appropriate judgment and execution, by action of covenant or debt, in the Harrison Circuit Court, against the parties to said bonds, respectively; that said officers and their sureties shall be liable for the prompt payment of all sums of money that shall come to their hands; and they and their sureties shall be liable to a judgment, in the Harrison Circuit Court, in favor of the Board of Trustees, or any person entitled to money collected by them, in like manner, and subject to the same penalties, that Sheriffs and their securities are. The said board shall have full power and authority, at any time, to remove any of said officers, or their deputies, and appoint others in their stead; and when any vacancy occurs, by death, removal, or resignation, of the Chairman of

the board; or any of the officers, they shall, in like manner, have full power and authority to appoint others in their stead.

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SEC. 13. That the Assessor, who may be appointed by said board, shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof; whose duty it shall be to assess upon all the taxable persons in said town, and make out a true list of their taxable property, with the value thereof; which list shall be made upon the oath of the party, to be administered by the Assessor. The Assessor's list shall be taken so as to include all the real estate in said town; and all the free males over twenty one years of age, except those now exempt by law, and all the slaves over sixteen years of age; wholesale and retail stores, and groceries, and all the slaves, with their value. That said Board of Trustees shall have the power and authority, if they think proper, to include in said list of taxable property all carriages, hacks, buggies, wagons, carts, and other vehicles, running and owned in said town, and all horses. If any person or persons shall refuse to give in a list of his or her property, or be absent, the Assessor shall make out a list from the best information he can procure; and when there is any real estate in said town, the owner or owners whereof may be unknown, it shall be the duty of the Assessor to report that fact specially on his list, together with the value of the property. He shall, on or before the first day of May in each year, complete and return his list, so taken, to the Board of Trustees. Upon the return of the list, by the Assessor, the Trustees shall give notice that any person or persons, who may feel themselves aggrieved by the valuation of the Assessor, may appear before them, at a stated meeting to be held for such purpose, in the month of May, in each year, with their evidence, to show the true valuation of such property; and the Trustees, on such proof being made to them, may change such valuation, and fix it at such a price as they may think right.

Assessor to take oath, his duties.

Persons aggrieved by assessment, how relieved.

SEC. 14. That the said Board of Trustees may annually lay and levy the taxes for the current year, and direct the time within which the same shall be paid, at the first meeting of the Board after the Assessor returns his list, or at the time of his returning it.

Taxes, when to be levied and collected.

SEC. 15. That immediately after the first day of May, in each year, the Clerk of the Board of Trustees shall receive, file, and preserve the Assessor's list, with any correction or alteration of the valuation of property that may have been made therein by the Board; and the said list thus received, or copies thereof attested by the Clerk, shall be received in evidence in any court of justice; and shall be *prima facie* evidence that the Assessor has complied with all the duties required of him by law; and shall also be *prima*

Clerk's duty in relation to Assessor's book

1860.

facie evidence that all the laws, in relation to the fixing and adjustment of the taxes, have been regularly complied with by the Board of Trustees and its officers.

Treasurer to
give bond.

Condition.

Treasurer's
duty.

Sec. 16. That the Treasurer appointed by the Board of Trustees shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute bond, with good security, to the satisfaction of the Trustees: which bond shall be conditioned to pay over all moneys, which may come to his hands as Treasurer, to the Trustees or their order, and to perform all the duties imposed on him as Treasurer; and may contain such other stipulations as the Board may think proper to require. The Treasurer shall receive and receipt for all moneys paid or received by him; he shall receive all moneys paid to the Board of Trustees; he shall keep a fair record of all the fiscal concerns of the Board, and record in order the appropriations of said Board, as certified to him by the Clerk, and pay the same according to their order; he shall pay no moneys, without first having received a copy of the resolution of the Board of Trustees making such appropriation and directing the payment thereof; and he shall file and preserve all such resolutions, and lay the same before the Board of Trustees in his settlement of his account with said Board. He shall keep a regular record of all his actings and doings as Treasurer, which shall be open to the inspection of every person desiring the same, upon reasonable notice; he shall, on or before the first day of June, annually, report to the Clerk of the Board a true list of all the money received by him, with a list of all the money and dues that remain unpaid at that time; he shall be allowed such commission for his services as the Board of Trustees may direct, not exceeding three per cent. on all moneys received and paid out by him, under the order of the Board; he shall also, when required by any order of the Board to that effect, attend and report to the same the condition of the Treasury, and shall at all times be ready to settle.

Clerk to take
oath and give
bond, his duties.

Sec. 17. That the Clerk appointed by the said Trustees shall take an oath faithfully and impartially to discharge the duties of his office, and shall execute bond, when required, with such condition and with such security as shall be required by the Board. It shall be his duty to preserve the books, papers, records, and every other thing belonging to his office, and deliver the same to his successor in office; he shall keep a regular journal of the proceedings of the Board, with a regular account of the fiscal concerns thereof. He shall file and preserve the poll books annually, and shall record all the acts, resolutions, and orders of the Board; he shall take all bonds, agreements and records, and preserve all contracts and agreements made between the Board of Trustees and other persons; he shall copy

and sign all resolutions, orders, claims and allowances, when required to do so by persons desiring the same; he shall file and preserve annually the Assessor's book; he shall make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the Treasurer, on or before the tenth day of May, annually; and he shall file and preserve the report of the Treasurer; and he shall make out and place in the hands of the Marshal, on or before the tenth day of June, annually, a list of the persons and property, by whom or on which taxes and dues to the town remain unpaid, and the amount of the same respectively; he shall have full power to administer oaths, in all cases when oaths may be necessary; his compensation shall be fixed and allowed by the Board.

Sec. 18. The Marshal shall be appointed annually by the said Trustees, (or elected annually at the same time the Trustees are elected by those entitled by law to vote for Trustees,) as shall be directed by the Board of Trustees; and shall take an oath faithfully to discharge his duties; and shall give bond, with approved security, in a sum not exceeding three thousand dollars, conditioned faithfully to discharge the duties of his office, and may contain any conditions that the Board may think proper to require; he shall have full power, within the county of Harrison, to serve all process and precepts to him directed, from the Police Judge, and make due return thereof; he shall have full power, within the county of Harrison, to collect taxes, dues, and demands of said town, in the same manner that Sheriffs have to collect the county levy and State revenue; levy and perfect execution upon all orders and judgments of the Police Judge; serve and execute all orders and notices issued or made by the Board, and make due return on the same. He shall be entitled to the same fees and per cent. for collecting the tax of said town, penalties and forfeitures, as Sheriffs and Constables are in like cases, where it is not otherwise provided for by this act, or by order of the Board. He shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for riot, rout, affray, or breach of the peace, and for all warrants, where fines are to be assessed by a jury before the Police Judge; and one dollar and fifty cents for summoning a jury which may be empaneled before the Police Judge; and to a fee of twenty five cents for all other warrants for penalties, forfeitures, and debts, to be tried by the Police Judge without a jury; and to a fee of twelve and a half cents for summoning a witness, and to the same fees from the State, to be paid out of the Treasury and county levy, for serving felony warrant, and warrants against slaves for misdemeanors, as Constables are for like services; he shall col-

1850.

Marshal to be appointed annually, to take oath and give bond.

His powers & duties.

His fees.

1850.

His liabilities.

lect all executions and final process placed in his hands for collection, in the same manner Constables are required by law to do; he shall be subject to the same proceedings and liable to the same penalties as Sheriffs and Constable are in like cases, for the non-performance of any of the duties enjoined in this act.

Taxes to be
assessed and
collected.

SEC. 19. That the Board of Trustees of the town of Cynthiana shall have power and authority to assess, levy and collect, annually, a tax on real and personal estate within the limits of said town, not to exceed twenty five cents on the one hundred dollars' worth of property subject to State tax; also, to levy and collect a poll tax, not exceeding one dollar and fifty cents, on all persons and slaves now subject to county levy; they may tax all theatrical performances, shows, and exhibitions of any kind whatever, in any sum not exceeding forty dollars for such exhibition, show, or public performance, on any one day, within the town of Cynthiana, or within two miles of the same; they shall have power to tax all auctioneers, in any sum not exceeding ten per cent., for all goods, wares, and merchandise, and articles sold to bidders, within said town, unless by permission of said Trustees, and except property sold by citizens of the State, of their own manufacture, or by order of the court, or by executors, administrators or guardians; and shall have a lien on the articles, or to be sold, for said tax, until the same is paid, or the person selling the same shall have taken out license for that purpose; they shall also have power and authority to tax pedlers, transient or itinerant dealers in goods, wares, &c., selling within the limits of said town, or in two miles thereof; they shall have the right to lay, and exclusive right to license all taverns, groceries, victualers, confectioners, retailers, and houses of public resort, except gambling houses and houses of ill fame, within said town, and fix the tax thereon, in any sum not less than that required by law, and not to exceed treble the sum required as aforesaid, for such license, and to discontinue the said license, or any one thereof, at pleasure: *Provided*, that they shall cause their Treasurer to pay annually into the public treasury of the State, or the Trustee of the jury fund, under the order of the Harrison Circuit Court, such tax as is now required, or may hereafter be required, by the State laws for such license; and the said board shall be bound to make annual reports of the amount of tax received therefor, and pay the amount due thereon to the State, in the same manner that Clerks of County Courts are required to do, and under the same penalties, and shall be liable to be proceeded against by the Auditor, for any default, in the same manner. All bonds shall be taken by the Clerk of said board for such license, and oath administered by him, as is required to be administered by Clerks of County Courts. Any law giving

License tax.
&c.

Tax on taverns to be paid into State Treasury.

the County Court of Harrison county the power to grant tavern licenses, within the limits of the town of Cynthiana, is hereby repealed. The said Trustees shall have all the rights and power to collect the taxes of said town as is now given by law for the collection of the State revenue and county levy.

1850.

Sec. 20. The Governor shall, by and with the consent of the Senate, appoint a suitable person Police Judge of the said town, who shall hold his office during good behavior, or so long as he shall reside in said town; who, before he enters upon the duties of his office, shall take an oath, before some Justice of the Peace, to discharge the duties of said office faithfully and impartially, to the best of his ability, without favor, affection or partiality to any one, together with such oaths as public officers are usually required to take. The said Judge shall have jurisdiction, within said town and the county of Harrison, of all misdemeanors, and of all causes, civil, criminal or penal, in which Justices of the Peace have jurisdiction and that in criminal or penal cases, he shall have the jurisdiction given by law to two Justices of the Peace, and shall proceed in the same manner the Justices of the Peace are required to proceed in such cases; he shall have full power and authority to require bail, and receive the acknowledgment and execution of recognizances of bail, in all cases originating before him, in which bail is or may hereafter be authorized or required by the law of the land; and such recognizances shall be taken in such form, and be returned in such manner, as is or may be prescribed by the several laws authorizing or requiring bail; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, and unlawful assemblies; all cases of indecent or immoral behavior or conduct, calculated to disturb the peace and dignity of said town; over all cases of drunkenness, profane swearing, running horses, firing guns, or pistols, making reports by burning powder or crackers, throwing or burning fire balls, blowing horns, ringing bells, crying aloud by day or by night, and all other riotous conduct whatever, within said town—all of which are hereby declared to be misdemeanors; he shall have jurisdiction of all offences or causes arising out of the by-laws and ordinances passed by the Board of Trustees, for the enforcement of the powers granted them by law; he shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury would be required before the Circuit Court or a Justice of the Peace; and in all cases when the amount of the fine is over sixteen dollars and sixty six and two thirds cents, and is not fixed by law, the same shall be ascertained by the verdict of a jury; he shall have power to issue summonses for witnesses, in cases pending before him, and upon their failure to attend,

Police Judge
to be appointed.

Take oath.

His jurisdiction,
duties and
powers.

1850.

may award compulsory process to compel their attendance; he shall have power without the intervention of a jury to fine and imprison for contempts, provided the fine does not exceed ten dollars, nor the imprisonment twelve hours; it shall be lawful for him to take depositions, and certify the same, when they are to be read as evidence in any cause pending in any court in this Commonwealth; he shall have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat* and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain Justices of the County Court to grant injunctions, writs of *ne exeat* and *habeas corpus*; he shall have full power to administer oaths, in all cases wherein Justices of the Peace are required and authorized so to do; he shall keep a record of his proceedings, a certified copy of which shall be evidence in all courts of justice, and have the same effect as the records of Justices of the Peace; and shall, in all other matters not herein mentioned, have concurrent jurisdiction with Justices of the Peace and be governed by the same laws and regulations. All trials before the Police Judge shall be held and had in the town of Cynthiana.

Process of Police Judge, to whom to be directed, and by whom executed.

Police Judge's fees.

SEC. 21. The Police Judge shall issue process in the name of the Commonwealth as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as Police Judge of Cynthiana; the same shall be directed to the Marshal, or any Constable or Sheriff of Harrison county, and shall be executed and returned by the Marshal, or Constable or Sheriff, as the case may be, under the same penalties as other process from Justices of the Peace: *Provided however*, that when any prosecution is instituted and carried on at the instance of the Board of Trustees, the warrant shall state that it is issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the said Trustees shall be liable for costs, as may be adjudged in favor of the defendant or defendants; the Police Judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, or breach of the peace, or unlawful assembly, or affray, or any misdemeanor, or for a breach of any of the laws in relation to the town of Cynthiana, or of any by-laws or ordinances of the Board of Trustees; he shall be allowed fifty cents for all injunctions, restraining orders against absent defendants, writs of *ne exeat* and *habeas corpus*, respectively; he shall be entitled to a fee of twenty five cents for an order of sale, twelve and a half cents for a subpoena, and fifteen cents for a certificate; and in all other cases his fees shall be the same as those of the Justices of the Peace for like services.

SEC. 22. That in all suits and prosecutions by the Board

of Trustees, they may, at their election, either adopt the ordinary mode of declaring and pleading, or may file a petition stating in plain and simple language the cause of their complaint, and the character of the judgment which they require; upon which petition, a summons shall issue, requiring the defendant or defendants to answer the same; and upon which summons bail may be required, when the petition states a case in which bail is demanded by law; and upon the execution of the summons, the defendant or defendants shall, on the day when the same stands for trial, file a general a general traverse to the same; and in default thereof a writ of enquiry shall be had, and damages assessed as in ordinary cases, when a writ of enquiry is necessary; and when no writ of enquiry, by the rules of law, a judgment shall be taken by default; no objection shall be taken to the form of the petition, if it apprize the defendant or defendants, with reasonable certainty, of the charge which he is called to answer; and under the issue as thus directed to be joined, either party may introduce any testimony that would be proper under any state of special pleading in bar or replication thereto; and the defendant may also under the issue avail himself of any equitable defence which he may have to said petition. In such proceedings by petition, such judgment shall be rendered and such execution awarded as the justice of the case may require.

1850.

Suits by Trustees, how to be commenced and prosecuted.

SEC. 23. That the said Trustees shall exercise and possess all the powers and privileges which, by the general laws of the land in relation to towns, are granted to said Trustees; and shall have full power and authority to make all the necessary by-laws and regulations for the purpose of carrying into effect the powers granted by this act, and also such as may be necessary for the comfort, cleanliness, good order and security of said town, and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name before the Police Judge, provided the same are not contrary to the constitution or laws of the land. The present Trustees and officers of the town shall continue in office until the Trustees are elected and qualified under the present act, and are hereby invested with all the powers, rights and privileges, which the Trustees and officers to be elected under this act will possess. No suit shall be instituted against the said Trustees, unless the same be instituted in the county of Harrison; and the service of process on the Chairman of the Board shall be sufficient.

General laws applicable, by-laws may be enacted.

SEC. 24. That the Police Judge of the town of Cynthia shall have jurisdiction in all cases in which the board of Trustees for said town are concerned, in any sum not exceeding one hundred dollars, and not more than thirty days' imprisonment, in accordance with the by-laws and

Police Judge's jurisdiction in cases in behalf of Trustees.

1850.

Ordinances
may be made &
enforced.

ordinances of said town. That said Board of Trustees of said town shall have full power and authority to enact by-laws and ordinances, to fine and imprison, or either, any person or persons for misdemeanors in said town, any sum not exceeding one hundred dollars, nor more than thirty days imprisonment in the jail of Harrison county, or such other place of confinement as they may designate; that they shall have the power to remit or pardon any such fines or imprisonment, by a petition to the Police Judge of said town, whose duty it shall be to grant such pardon, or remit such fine, in accordance with the request of said Board of Trustees,

Justices may
discharge duties
Police Judge.

SEC. 25. *Be it further enacted*, That any Justice of the Peace for Harrison county, holding their office in the town of Cynthiana, shall be and are hereby authorized to discharge any of the duties required to be discharged by the Police Judge of Cynthiana, in case of absence or inability of the Police Judge to attend to the same; and said Justice shall, in all such cases, be authorized and allowed to charge the same fees for such services as is allowed the Police Judge of said town. This act shall be in force from the passage thereof.

SEC. 26. *Be it further enacted*, That the Legislature reserves to itself power, at all times, to alter or repeal this act.

Approved March 7, 1850.

CHAPTER 572.

AN ACT to incorporate the St. John's Orphans Society of Covington.

Whereas, a Society has been formed in the city of Covington for the benevolent and laudable purpose of protecting, relieving, supporting, and instructing orphan children; and, whereas, the said Society believe that the sphere of their usefulness will be enlarged, and their charitable designs greatly promoted, by a grant of corporate powers. Therefore,

Corporators'
names.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Bernard Johnson, Francis Rempunk, Joseph Lugers, Henry Horstman, Henry Kurre, B. H. Hellman, and Francis Darbucker, and all such persons as now are, or shall hereafter become members of said Society, shall, when so associated, become, and are hereby declared to be, a body corporate, under the name and style of "the St. John's Orphan Society of Covington," and by that name shall have perpetual succession, with power to adopt and use a common seal, and to change the same at pleasure; to make contracts for the benefit of the Institution, to sue and be sued, plead and be impleaded; and the said corporation shall be capable, in law, of re-

Name & style,
corporate pow-
ers.

ceiving, taking, and holding, by gift, grant, purchase, and devise, real and personal estate and money; and of selling, transferring, exchanging, and using, and disposing of the same for the benefit of the said Institution.

1850.

SEC. 2. *Be it further enacted*, That it shall be lawful for the St. John's Orphan Society to establish and adopt, for their better regulation, a constitution, and all such by-laws as they may deem expedient, (not inconsistent with the constitution of the United States, and State of Kentucky, nor repugnant to the laws of this Commonwealth,) prescribing the organization of said Society, the appointment of its officers, their duties and responsibilities, the terms and conditions of its membership, the privileges and duties of the beneficiaries who may be received into the Institution, and every other matter connected with the fiscal and prudential and moral government of said Institution; and the said constitution and any by-laws, when so adopted, shall be as binding on said Society, and all persons contracting with it, as if enacted by the General Assembly of this Commonwealth.

By laws may be adopted.

SEC. 3. *Be it further enacted*, That it shall be lawful for the several County Courts of this Commonwealth, and for the Mayor of the city of Covington, to bind orphans and other destitute children to the St. John's Orphan Society, upon such reasonable terms and conditions as may be agreed on by the Courts, said Mayor, and said Society.

Orphans may be bound out to them.

SEC. 4. *Be it further enacted*, That it shall be the duty of said Institution to record, in a book for that purpose, the constitution and all by-laws passed by said Institution, together with a correct copy of all contracts and agreements entered into by said Institution, and lodge the same in the Clerk's office of the city of Covington, as a public record, which shall be done within ten days after the passage or adoption of any such constitution or by-laws, or the making or entering into any such contract or agreement; and upon a failure so to do, this charter shall be forfeited.

Constitution to be recorded.

Contracts and agreements.

SEC. 5. *Be it further enacted*, That the Legislature hereby reserves the right to change, alter, amend, or repeal this charter at any time they may deem it expedient so to do.

Right to alter, amend, &c., reserved.

Approved March 7, 1850.

CHAPTER 573.

AN ACT to repeal, in part, the act establishing the town of Brooklyn.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act establishing the town of Brooklyn, in the county of Campbell, as establishes a ferry, be and the same is hereby repealed.

Approved March 7, 1850.

RESOLUTIONS.

No. 1.

RESOLUTION for firing salutes on the 8th January, and 22d and 23d February.

1850.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested to order a salute of thirty guns to be fired on the 8th of January, (inst.,) in honor of the victory gained by the American army, under Major General Andrew Jackson, against the British, under General Packenham, on the 8th of January, 1815; also, thirty one guns to be fired on the 22d day of February next, in honor of the birth day of General Washington, and thirty guns on the 22d and 23d days of February each, in in honor of the victory obtained by the American army, under Major General Zachary Taylor, at Buena Vista, in which our Kentucky troops bore a conspicuous part.

Approved January 8, 1850.

No. 2.

RESOLUTION to appoint a committee to visit the Lunatic Asylum, at Lexington.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That a committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to visit and examine the condition of the Lunatic Asylum, at Lexington, and report thereon.

Approved January 11, 1850.

No. 3.

RESOLUTION to appoint a committee to visit the Institution for the Education of the Blind, in the city of Louisville.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That a joint committee of two from the Senate and three from the House of Representatives be appointed to visit the Institution for the Education of the Blind, in the city of Louisville, and report to the present Legislature, at as early a day as convenient, the present condition and prospects of said Institution; and whether, in their opinion, any further legislation is required for the promotion of the usefulness and the extension of the benefits and blessings of said Institution.

Approved January 11, 1850.

RESOLUTIONS.

1850.

No. 4.

RESOLUTION to appoint a committee to visit the Deaf and Dumb Asylum, at Danville.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three from the Senate and five from the House of Representatives be appointed to visit the Deaf and Dumb Asylum, at Danville, and that they have power to send for persons and papers, and make a correct report to the present Legislature.

Approved January 11, 1850.

No. 5.

RESOLUTION providing a block of marble for the "Washington Monument."

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor be and he is hereby authorized and requested to cause a suitable block of native marble to be conveyed to Washington city, to take its proper place in the Monument now being erected to the memory of the "Father of his Country," and that the following words be engraved thereon: "Under the auspices of Heaven and the precepts of Washington, Kentucky will be the last to give up the Union."

Approved January 24, 1850.

No. 6.

RESOLUTION concerning the general appropriation bill.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the committee of Finance in the Senate and the committee on Claims in the House of Representatives be a joint committee, to examine all claims to be reported and provided for in the general appropriation bill of this session.

Approved January 24, 1850.

No. 7.

RESOLUTION fixing a day for the election of Public Officers.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That they will on the first day of February, 1850, proceed, by a joint vote of both Houses, to the election of the Public Officers of this State.

Approved January 24, 1850.

RESOLUTIONS.

717

No. 8.

1850.

RESOLUTION to appoint a committee to ask leave to withdraw from the Governor an enrolled bill for the benefit of Charles M. Thurston, jr., and others.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That a committee of one from the Senate and two from the House of Representatives be appointed to call on His Excellency, the Governor, and ask leave to withdraw from the office of the Secretary of State, an enrolled bill which originated in the House of Representatives, entitled, "an act for the benefit of Charles M. Thurston, jr., and others."

Approved January 24, 1850.

No. 9.

RESOLUTION concerning the committee on Banks.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the committee on Banks of the Senate and House of Representatives be directed to visit, in person, the several Banks in Louisville and Lexington, if, in the discharge of their duty, they shall deem it necessary.

Approved January 24, 1850.

No. 10.

RESOLUTION to appointed a committee to settle with the President of the Board of Internal Improvement.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That a joint committee of two from the House of Representatives and one from the Senate be appointed, whose duty it shall be to examine into the accounts of the President of the Board of Internal Improvement, settle the same, and report the result to the General Assembly at an early a day as practicable; and that they enquire into the propriety of abolishing the office of the President of the Board of Internal Improvement.

Approved February 19, 1850.

No. 11.

PREAMBLE AND RESOLUTIONS for a sword to William F. Gaines.

Whereas, on the 27th day of January, 1848, Major C. H. Fry, the only surviving field officer of the second Regiment of Kentucky Volunteer Infantry, presented to the Commonwealth of Kentucky the stand of colors of that gallant corps, and at that time suitable resolutions having been offered and passed in the House of Representatives of this

RESOLUTIONS.

1850.

Commonwealth, but failed to pass the Senate for the want of time. Wherefore, be it now

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the gratitude and thanks of the people of Kentucky are due, and hereby tendered, to Major Fry, and his brave companions in arms, for so priceless a gift.

Resolved, That the banner, so presented, be deposited in the Public Library, and preserved and cherished as a memento of the gallantry and daring of Kentucky sons upon the glorious and ever memorable battle field of Buena Vista.

Be it further resolved, That the name of Sergeant William F. Gaines be inscribed on a plate of metal and attached permanently to the flag staff, which he so gallantly bore in the battle of Buena Vista, and that a sword, with suitable inscriptions, be tendered by the Governor of the Commonwealth to said Gaines.

Resolved, That we tender the thanks and gratitude of the people of Kentucky to Sergeant William F. Gaines, the brave defender of the glorious banner of Kentucky in the sanguinary battle of Buena Vista.

Resolved, That the conduct of the officers and soldiers of Kentucky, both Infantry and Cavalry, on the field of Buena Vista, is entitled to the admiration and gratitude of the people of Kentucky.

Approved February 20, 1850.

No. 12.

RESOLUTION in relation to the Military Monument.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Military Monument, which has been made under the direction of the committee appointed for that purpose, and which is to be erected in memory of the brave officers and soldiers who have fallen in defence of the honor of their country, be permitted to pass through the locks of the Kentucky river without the payment of toll.

Approved March 4, 1850.

No. 13.

PREAMBLE and RESOLUTION in relation to obstructions in the Ohio river.

Whereas, the General Government, in the years 1833 and 1834, in pursuance of the acts of Congress, erected wing dams in certain portions of the Ohio River, for the purpose of deepening the channel of the river, and thereby facilitating the commerce of the country, and promoting the general welfare, by improving the navigation of said river; and whereas, the dam erected across the north-western part of said river, at the head of Cumberland

Island, near the mouth of the Cumberland River, has been partially torn away by the large masses of floating ice and timber occasionally to be found in said river, thereby rendering the navigation of the river at that point dangerous at all times, and, during the season of low water, impracticable, except with the smallest class of vessels, and with such only at much expense, and with great danger both to life and property; thus rendering the navigation of the river, in its present condition, more difficult and dangerous than before the erection of said dam. Therefore,

1850.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed and our Representatives requested to use all proper means to procure the passage of a law by the Congress of the United States, providing for the removal of said obstruction by the General Government, by the re-building of said dam, or otherwise; and that his Excellency the Governor of this Commonwealth be requested to transmit a copy hereof to each of our Senators and Representatives in Congress.

Approved March 4, 1850.

No. 14.

RESOLUTION for the purchase of the portrait of Governor Shelby.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the sum of four hundred dollars, out of any money in the Treasury not otherwise appropriated, be paid to Edward H. Nock, as compensation for the portrait of Governor Shelby, now suspended in the Senate Chamber.

Approved March 4, 1850.

No. 15.

RESOLUTIONS concerning pensions and bounty lands to the soldiers and volunteers of the revolutionary and late wars.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested, to use their constant exertions to procure the passage of a law giving pensions to the officers and soldiers, and volunteers, of the United States, who were engaged in the wars of the United States between the treaty with Great Britain, in 1783, at the treaty of peace at Greenville with the Indians in 1795, and also giving bounty lands to the officers, soldiers, and volunteers, and militia of the United States of the war with Great Britain of 1812, and the officers in the late war with Mexico, and thus, if possible, render too long delayed jus-

RESOLUTIONS.

1850.

tice to the gallant services of the brave men who, under Wayne, brought the revolutionary struggle to a close, and to those who in later contests rendered equally arduous and brilliant services to the nation.

Resolved, That the Governor be requested to forward copies of these resolutions to our Senators and Representatives in Congress.

Approved March 4, 1850.

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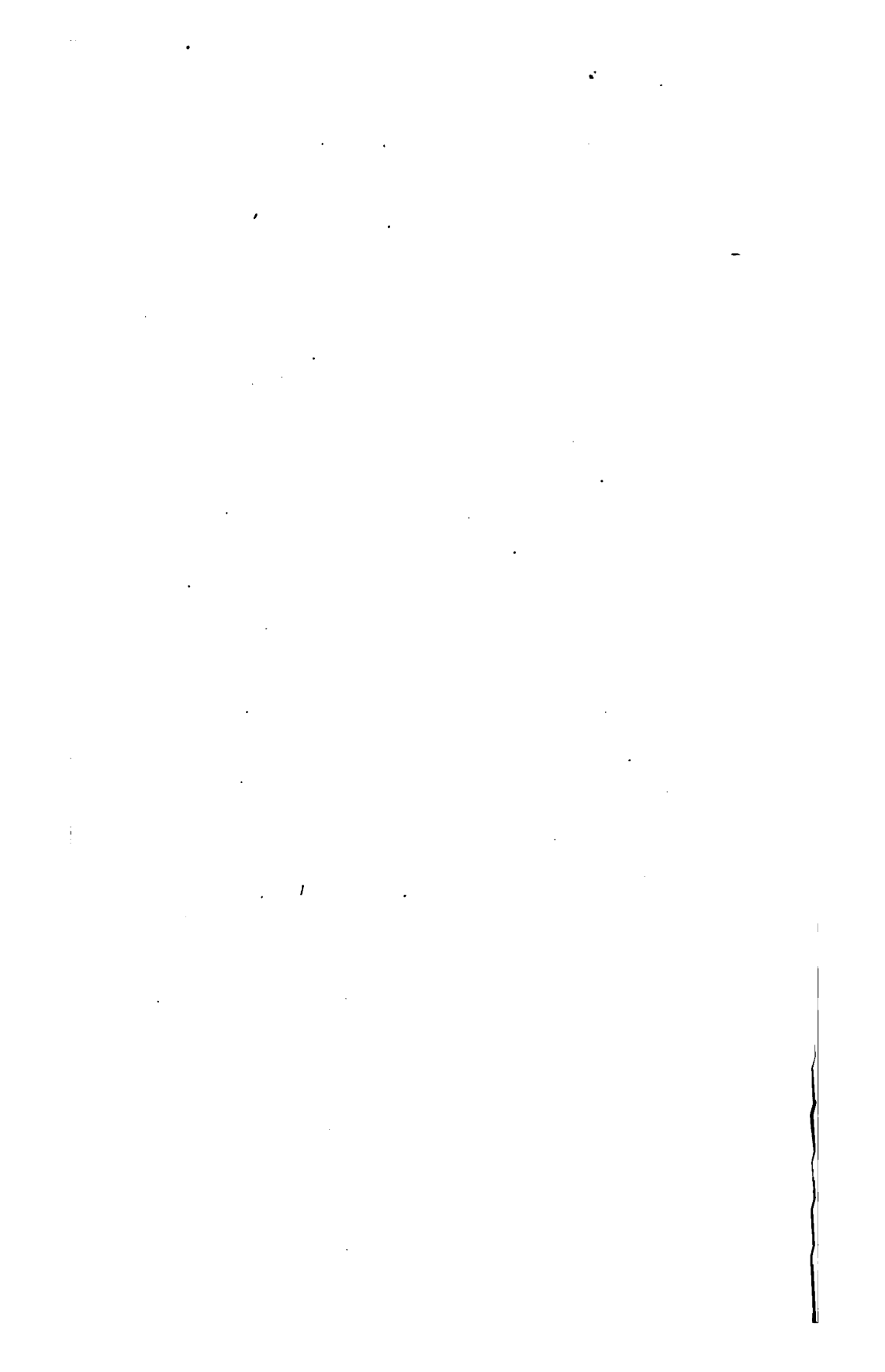
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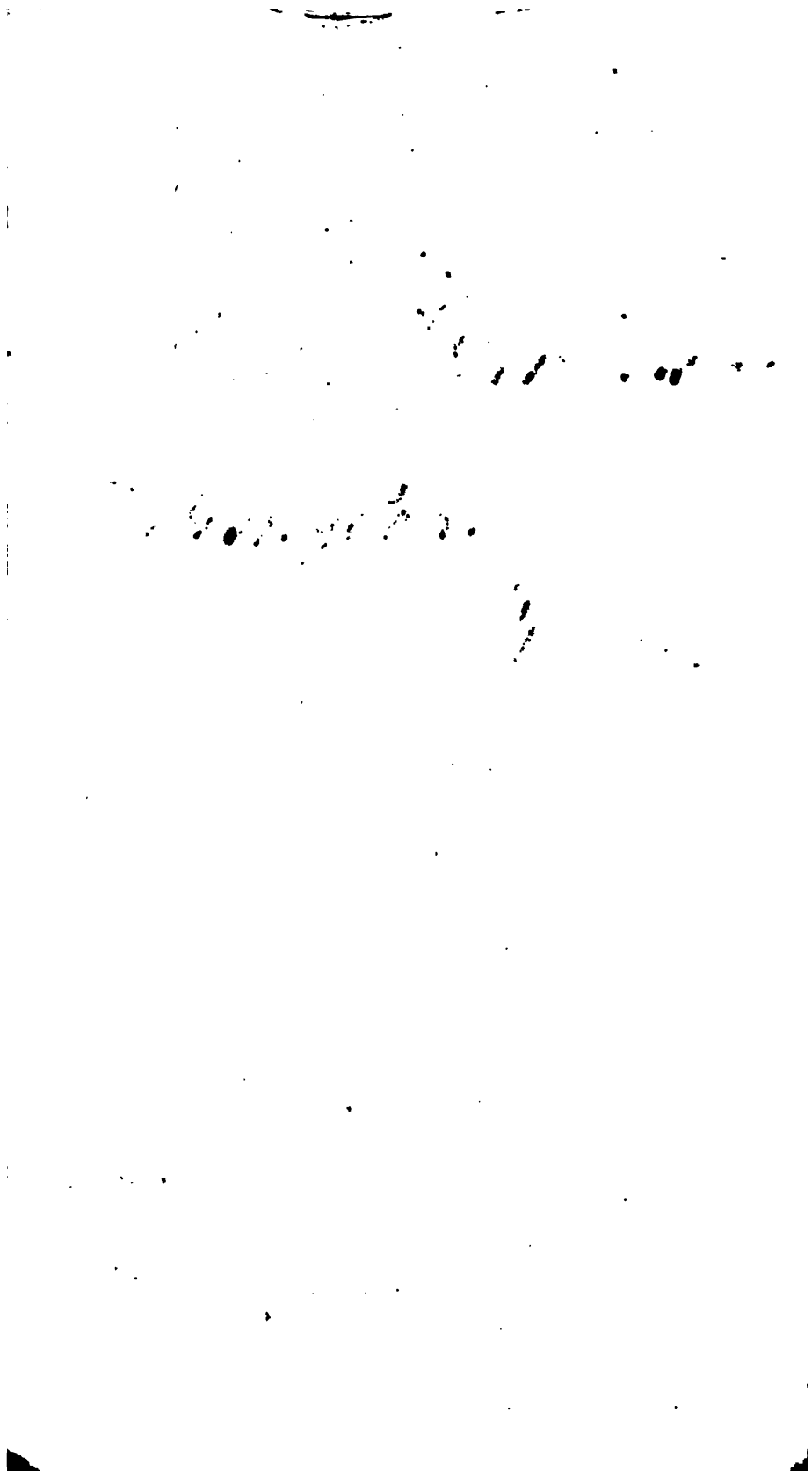
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